

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. C1C ERNESTO RAMOS, ACCUSED-APPELLANT.

G.R. No. 124765. July 02, 1999

Ponente: PUNO, J.

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PUNO, J.:

This is an appeal by accused-appellant C1C Ernesto Ramos from his conviction of the crime of kidnapping and serious illegal detention in a Decision promulgated on August 14, 1995 by the Regional Trial Court of Quezon City, Branch 88.[1]

The facts show that on April 1, 1991, the Office of the City Prosecutor of Quezon City filed an Information against Ernesto Ramos, formerly with the 145th Company of the Philippine Constabulary, and Estelita Hipolito, a bus line operator, and six (6) John Does, charging them with the kidnapping and serious illegal detention of Juanito "Boyot" Jube, a barker from Lagro, Quezon City, viz:[2]

"That on or about the 8th day of June, 1988, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conspiring together, confederating with and mutually helping one another, did then and there, willfully, unlawfully and feloniously kidnap one JUANITO JUBE, in the manner as follows: on the date and in the place aforementioned accused C1C ERNESTO RAMOS with several Does went to a store where a mahjong game was being held located at Lagro, Quezon City, and looked for Juanito Jube and afterwards held and pulled said victim outside of the store and thereafter attacked, assaulted and employed personal violence upon the said victim, by then and there, hitting the latter with a steel tube on his head as well as his back by an armalite thereby causing him physical injuries, rendering him unconscious and thereafter lifted the unconscious Juanito Jube to a Land Cruiser car without license plate number followed by a Lancer car with license plate number NGL-333, driven by C1C ERNESTO RAMOS owned by the accused ESTELITA I. HIPOLITO and thereafter brought said victim to a certain place and detained him up to the present time, all against his will, to the damage and prejudice of the said victim in such amount as may be awarded under the provisions of the Civil Code.

CONTRARY TO LAW."

Ramos and Hipolito pled not guilty upon arraignment.

The prosecution presented Herminia Reyes who testified that on June 8, 1988, at about 6:35 in the evening, Hipolito gathered Ramos and several other men in Sta. Cruz, Manila, where the terminal of her bus line, the E.H. Trinidad Liner, was located. Hipolito told them that they were going to Lagro, Quezon City to "get" a certain "Boyot" who hit Ernesto Padrinao, one of her bus conductors, in the face during an altercation over the latter's non-payment of the former's barking fees. The group boarded two of Hipolito's vehicles, a blue Lancer with license plate number NGL-333 and a red Land Cruiser with no license plate number.

The prosecution also presented eyewitness Orlindo Legaspi who positively identified Ramos as the man who barged into the mahjong den near the Lagro jeepney terminal in Novaliches, Quezon City, between 8:00 o'clock

and 9:00 o'clock in the evening of June 8, 1988, looking for the victim, Juanito "Boyot" Jube. He testified, viz.:

"q- As a driver, from what time to what time do you drive your passenger jeepney?

a- Starting five o'clock in the morning up to ten o'clock in the evening, Sir.

q- Now, on June 8, 1988 at around eight to nine in the evening, will you please tell this Honorable Court where were you?

a- I was at the Lagro terminal, Sir.

q- Where is this Lagro terminal?

a- In Novaliches, Quezon City, Sir.

q- Why were you there?

a- I was waiting for passengers, Sir.

COURT: What time was this?

a-

Eight to nine o'clock, Your Honor, in the evening.

q- Will you kindly tell this Honorable Court in what particular place you were then at Lagro in that particular area?

x x x

a- Inside the mahjong den, Sir.

q- Now, will you please tell this Honorable Court if there were persons playing mahjong inside the mahjong den?

a- Yes, Sir.

q- Aside from those playing mahjong, were there other people inside the mahjong den?

a- Yes, Sir. There were others.

x x x

q- While inside the mahjong den, do you remember any unusual incident that happened?

a- Yes, Sir.

q- Will you please tell this Honorable Court what was this unusual incident?

a- When Sgt. Ramos arrived and he was looking for a a [sic] certain Boyet, Sir.

q- Now, you said that a certain Sgt. Ramos came and looking [sic] for the person named Boyet. My question is, why do you know that this is Sgt. Ramos?

a- I am a resident of San Jose del Monte. He is a soldier and I often see him and aside from that I see him also at Tongko, Manga, San Jose del Monte.

q- If that Sgt. Ramos is here inside this court room, will you be able to identify him?

a- Yes, Sir.

ATTY. DEL PRADO: Will you kindly point to him.

a- That man, Sir. (witness pointing to a man inside the court room who when asked answered by the name of Ernesto Ramos.)

q-

Now, when you said Ernesto Ramos entered the mahjong den, he was looking for a person named Boyet, my question is, did any body response [sic] to that call?

a- Nobody answered, Sir.

q- What happened after that?

a-

When nobody answered, Erning went out of the den but after two or three minutes he came back [sic] and was holding a .45 caliber and he poked/aimed the gun to us, Sir. He poked the gun at me and to the other person beside me because that time we were at the door.

q- Who was this person near to you?

a- The person beside me was Rey Dimagiba, Sir.

x x x

q- What happened after that?

a-

After he poked his gun to [sic] us, he said that "Pare, huwag kayong makikialam, pulis ako", then he further said "Isa lang ang kailangan ko dito, si Boyet", then he said "Sino ang Boyet dito?"

q- After Sgt. Ramos uttered who is Boyet, what happened?

a- Boyet answered and he said "I".

q- What happened after that?

a-

He grabbed Boyet by the collar. He took him but before they could get out of the mahjong den, he hit him on his nape with his gun.

q- What happened after Sgt. Ramos done [sic] this thing to Boyet?

a- After that, he pushed Boyet outside, Sir.

q- And on your part, what did you do?

a- Rey and I went out of the den. We looked at what was happening. We saw that there were already many persons mauling him, Sir.

q- Will [you] kindly tell this Honorable Court the manner these people you said mauled Boyet?

a- Whenever Boyet fell on the ground he was being hit with a lead pipe, Sir.

q- How many were these people then hitting him with this lead pipe?

a-

The persons actually hitting him were three but I could remember there were more or less seven of them including Erning.

q- And who is this Erning again?

a- Sgt. Ramos, Sir. (witness pointing to accused Ernesto Ramos.)

q- What happened after the mauling?

a- They lifted the body of Boyet like a pig and pushed him inside the land cruiser without a door at the back.

x x x

q- Do you remember if there were other vehicles then parked near the Land Cruiser?

a- There was, Sir.

q- Will you please inform the Honorable Court?

a- One blue Lancer car parked at the side of the street and then that Land Cruiser was beside it.

q- After the group of Erning or Sgt. Ramos loaded the body of Boyet, what did you do?

a-

We just looked. They immediately left after they loaded the body of Boyet, Sir."[3]

Legaspi witnessed the entire episode from the time Ramos asked for Jube in the mahjong den to the time he was dragged outside, mauled by Ramos and his companions, and then loaded into the Land Cruiser. His testimony was corroborated by another eyewitness, Amniel Timbang, who watched from across the street the beating of Jube by Ramos and his companions. Timbang testified as follows:

"Q Mr. Witness, will you kindly tell us where were you in the evening of June 8, 1988 between the hours of 8:00 and 9:00 in the evening?

x x x

A I was at the upper area of Lagro near Sacred Heart Market.

x x x

Q Why were you there at the time?

A I was barking, sir. (nagtatawag)

Q Barking for what?

A Barking for passengers for the trip bound for Sapang Palay, sir.

Q On that evening, between the hours of 8:00 to 9:00 o'clock in the evening, do you remember if there was any unusual incident that happened?

A Yes, sir, there was.

Q What was that unusual incident that took place?

A My brother-in-law was abducted, sir.

Q

When you said brother-in-law, what is his name?

A Juanito Jube, sir.

x x x

Q Before he was abducted, will you tell the Honorable Court the event that preceded it?

A Before that, my brother-in-law, Juanito Jube, told me that he will go to the mahjong place to take a rest.

Q Where is that mahjong place located in relation to where you were at the time?

A On my far right, sir.

Q Did your brother-in-law actually go to the mahjong place?

A Yes, sir.

Q What happened when he reached the mahjong place?

A

He went inside and watched the game.

Q While he was in the mahjong place watching the game, what happened if any?

A From the place where I was standing, I could see the mahjong place and there was a commotion and I saw it was my brother-in-law who was being mauled.

Q You said your brother-in-law was being mauled by whom?

A By the persons who abducted him, sir.

Q How many of them?

A More or less 6 persons, sir.

Q If these persons are inside the courtroom, will you identify them?

A I can only identify some of them, sir.

Q Will you please look around the courtroom and tell us if there is any one of those who mauled your brother-in-law?

A Yes, sir, there is.

Q Will you kindly point to him?

A That man, sir. (witness pointing to accused C1C Ernesto Ramos)

x x x

Q You said that your brother-in-law was being mauled by the group of one of whom is Ernesto Ramos, what did you do?

A I just watched them, sir.

Q Did it not occur to you to help your brother-in-law?

A No, sir, I might be harmed.

Q After the mauling, what happened next?

A They boarded my brother-in-law to [sic] the land cruiser.

Q Where was the land cruiser located then?

A Near the side of the road, sir.

Q Was there only one vehicle parked at the time near the side of the road?

A No, sir.

Q Will you tell the Honorable Court, what other vehicle was parked?

A During that time, there were two vehicles parked.

x x x

Q

After the group of Ernesto Ramos carried and place [sic] inside the land cruiser Juanito Jube, what happened next?

A They left, sir."[4]

In their defense, both Ramos and Hipolito proffered alibis. Ramos claimed he was in the Philippine Constabulary Headquarters in Malolos, Bulacan from 8:00 o'clock in the morning of June 8, 1988 until the same time of the following day. Hipolito alleged she was in her office in Sta. Cruz, Manila, from 11:00 o'clock in the morning of June 8, 1988 until 10:30 in the evening of the same day.

On August 14, 1995, the trial court promulgated its judgment convicting Ramos and acquitting Hipolito. It held:

"It is the prosecution's theory that the kidnapping was precipitated by an altercation between the victim, a barker from Lagro terminal, and Ernesto Padrinao, a bus conductor of E.H. Trinidad Liner, which is owned and operated by accused Hipolito. x x x The prosecution's stand is that the kidnapping of Jube was motivated by vengeance. Padrinao desired to get even with Jube and this vengeful spirit was even sanctioned by accused Hipolito herself x x x. The prosecution raised Hipolito's admission in her testimony that any form of harassment against her sub-alterns is tantamount to an assault against her very person. x x x

"x x x

"A careful review of the records and testimonies presented disclose Ernesto Ramos' direct participation in the kidnapping of Juanito Jube. Positive identification of Ramos by eyewitnesses (Amniel Timbang and Orlindo Legaspi), given in a clear and spontaneous manner, debilitates Ramos' defense of alibi.

"Ramos testified that between 8:00 in the morning of June 8, 1988 and 8:00 in the morning of June 9, he was on a 24-hour duty at the Malolos PC Provincial Headquarters, and that he never left his post during that period. This point was even corroborated by witnesses Oresca, SPO3 Rodolfo Racho and Maj. Salvador Santos x x x. But to the mind of this Court, these negative testimonies, corroborative to the defense of alibi, cannot overcome positive assertions by credible eyewitnesses, whose testimonies precisely fit together into a coordinated and unified whole. First, there was the testimony of Herminia Reyes who witnessed Ramos' and Hipolito's behavior and dispositions several hours prior to the perpetration of the crime. x x x Then Orlindo Legaspi pictured what transpired inside the mahjong room, while Amniel Timbang described what he saw during the actual mauling and kidnapping of Jube. Their interlocking testimonies, particularly the statements of Legaspi and Timbang, consistently point to accused ERNESTO RAMOS, as one of the particeps criminis.

x x x

Going now to the arguments advanced by Hipolito, this Court finds reasonable doubt as to her guilt. The prosecution's predominantly hearsay evidence and its dispersed fragments of circumstantial evidence cannot sustain a conviction for Hipolito."[5]

Accordingly, the trial court sentenced Ramos to suffer the penalty of reclusion perpetua, with the corresponding accessory penalties of perpetual absolute disqualification and civil interdiction, and to indemnify the heirs of the victim, Juanito Jube, in the amount of two hundred thousand pesos (P200,000.00) by way of moral damages and one hundred thousand pesos (P100,000.00) as exemplary damages, plus costs.[6]

Ramos appealed and before us contends:

"-I-

THE TRIAL COURT SERIOUSLY ERRED IN GIVING CREDENCE TO THE TESTIMONIES OF ALLEGED EYEWITNESSES DESPITE THE FACT THAT THEIRS WERE CONFLICTING ON MATERIAL POINTS AND HIGHLY INCREDIBLE FOR BEING CONTRARY TO HUMAN EXPERIENCE.

-II-

THE TRIAL COURT GRAVELY ERRED IN DISREGARDING APPELLANT'S DEFENSE OF ALIBI.

-III-

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED DESPITE FAILURE OF THE PROSECUTION TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT."[7]

We affirm.

First. It is contended by the appellant that the testimonies of eyewitnesses Orlindo Legaspi and Amniel Timbang were replete with inconsistencies and lacked plausibility. He specifies the following as badges of incredulity:

1) that prosecution witness Timbang never named Ramos as one of those who mauled Juanito Jube, in his Malayang Salaysay dated October 6, 1989, despite his admission on cross-examination that he already knew his name as early as in September, 1988;

(2) that Timbang testified that Jube was watching the mahjong game inside the den but on cross-examination,

he declared that he could not see the inside of the room from where he was;

(3) that Timbang testified that Juanito Jube's brother, Jerry, went to the police sub-station in Fairview to report the mauling and kidnapping incident, but that complaint was never blotted and no investigation was conducted;

(4) that Timbang testified that he and Jerry Jube saw Ramos at the gasoline station three (3) or four (4) months after the kidnapping but they did not report such sighting to the police;

(5) that Timbang is a brother-in-law of Juanito Jube and cannot therefore be considered an impartial witness;

(6) that since Timbang took more than a year, and Legaspi, more than three years, after the kidnapping incident to give their statements to the police authorities, the delay in the disclosure indicates that their testimonies are biased, if not fabricated; and

(7) that Legaspi admitted on cross-examination that he has a brother who is a policeman but he never mentioned the kidnapping incident to him.

We reject these arguments. Contention number one (1) does not persuade. Though Timbang did not mention the name of Ramos in the statement he executed before the Commission on Human Rights, he did point to Ramos and positively identified him^[8] in the course of the hearing conducted by the Commission on Human Rights.

Contentions numbers four (4) and six (6) by appellant overplay the delay of Timbang in identifying Ramos as the lead henchman in the kidnapping of Jube. Jurisprudence teaches that delay in revealing the identity of the perpetrators of a crime does not necessarily impair the credibility of a witness, especially where the delay is explained.^[9] Timbang did give a satisfactory explanation--he was afraid of appellant.^[10] Again, we take note that witnesses in this jurisdiction are usually reluctant to volunteer information about a criminal case or are unwilling to be involved in or dragged into criminal investigations due to a variety of valid reasons.^[11] Fear of the criminal is one such reason.^[12] For the Court to unreasonably discredit a witness' account of the crime for the simple reason that it was delayed is to permanently seal the lips of reluctant and timorous witnesses.^[13]

Contention number two (2) is also unworthy of concurrence for it is a mere misreading of the testimony of Timbang. On direct examination, Timbang stated:

"Q Before he was abducted, will you tell the Honorable Court the event that preceded it?

A Before that, my brother-in-law, Juanito Jube, told me that he will go to the mahjong place to take a rest.

Q Where is that mahjong place located in relation to where you were at the time?

A On my far right, sir.

Q What happened when he reached the mahjong place?

A He went inside and watched the game.

Q While he was in the mahjong place watching the game, what happened if any?

A

From the place where I was standing, I could see the mahjong place and there was a commotion and I saw it was my brother-in-law who was being mauled."[14]

On cross-examination, Timbang reiterated and then clarified, thus:

"Q

From the place where you were situated to the place where the mahjong game was played, you could not recognize a person in that distance, is it not? [sic]

A

I could recognize faces, sir.

Q

Did your brother-in-law play mahjong at the time?

A No, sir, he was just watching.

Q Where was he in relation to the persons who played mahjong at the time?

A Actually, the mahjong place was closed, the door was closed and you could not see people inside unless you get inside or people there get out.

Q Did your brother go inside the mahjong room?

A Yes, sir.

Q You could not see him from the place where you were standing?

A

Yes, sir.

Q How long after your brother went inside the mahjong room did you see him being mauled outside?

A More or less 30 minutes.

Q Then you saw there was a commotion where your brother-in-law was mauled by some people?

A Yes, sir."^[15]

Apparently, appellant has taken Timbang's words out of context. Timbang testified that Jube just watched the mahjong game, not because he really saw him watching the game, but because Jube himself told him that he was going to the mahjong place to rest and not to play. In other words, Timbang merely interpreted Jube's statement that he intended to merely watch, and not play, mahjong. Hence, Timbang was not lying even if he testified that the mahjong place was enclosed by a wooden wall and it was impossible to see what was going on inside the mahjong den.

Contentions numbers three (3) and seven (7) are also without merit. The failure of the Fairview police to blotter the complaint lodged by Jerry, the brother of Juanito Jube, and the failure of Orlindo Legaspi to report the kidnapping incident to his brother policeman, will not exonerate appellant. They do not diminish the credibility of the testimonies of Timbang and Legaspi. In the first place, police action on any complaint is not within the control of the complainant. Secondly, the failure of the police to act upon the complaint is not convincing proof that the act complained of was never committed.

Similarly unworthy of merit is contention number five (5) that Timbang should not be believed because he is a brother-in-law of the victim. Relationship per se is not destructive of a witness' credibility. On the contrary, relatives have more interest in telling the truth for they want the real culprits to be meted their punishment.

Appellant's over-all stance collides with the rule that appellate courts will not disturb the trial court's assessment of the credibility of witnesses in the absence of proof that some fact or circumstance of substance has been overlooked, or its significance misinterpreted which, if properly appreciated, would affect the disposition of the case.^[16] For having heard the witnesses and observed their deportment on the stand, the trial judge is in a better position to resolve such question.^[17] We find no reason to alter the findings of the trial court.

Second. Appellant insists that the trial court should have exonerated him on the basis of his alibi since it was corroborated by the testimony of Patrolman Reynaldo Dimaguiba.

We do not agree.

For the defense of alibi to prosper, appellant must prove not only that he was somewhere else when the offense was committed, but also that it was physically impossible for him to have been at the crime scene or its immediate vicinity.^[18] Well-settled is the rule that alibi is a weak defense not only because it is inherently unreliable but also because it is easy to fabricate.^[19] In the absence of strong and convincing evidence, alibi cannot prevail over the positive identification of the appellant by an eyewitness who has no improper motive to testify falsely.^[20]

The fact that Patrolman Dimaguiba corroborated the alibi of Ramos is of no moment because he failed to proffer

proof that it was physically impossible for him to negotiate the distance between the crime scene in Lagro, Quezon City, and his station at the Philippine Constabulary Headquarters in Malolos, Bulacan. No witness testified that he actually saw Ramos in the Philippine Constabulary Headquarters between 8:00 and 9:00 in the evening of June 8, 1988, which would make it impossible for Ramos to be at Lagro at the same time. In contrast, Legaspi and Timbang, who are credible witnesses, positively identified Ramos as one of the malefactors in the kidnapping of Jube. Over this positive identification by two credible witnesses, alibi cannot prevail.[21]

Finally, the defense relies on the familiar phrase, "reasonable doubt," as basis for alleging that the evidence of the prosecution has not sufficiently proven the guilt of Ramos. But reasonable doubt should not be confused with possible doubt because everything relating to human affairs is open to some imaginary doubt. It is not such a doubt as any man may start by questioning for the sake of a doubt; nor a doubt suggested or surmised without foundation in facts or testimony, for it is possible always to question any conclusion derived from testimony.[22] Reasonable doubt must arise from the evidence adduced or from the lack of evidence, and it should pertain to the facts constitutive of the crime charged.[23] It should be founded on evidential discrepancies that touch on the elements of the crime or other significant facts allied thereto and not just minor or peripheral issues. While no test definitively determines what is reasonable doubt under the law, the view is that it must involve genuine and irreconcilable contradictions based, not on suppositional thinking, but on the hard facts constituting the elements of the crime.

Kidnapping and serious illegal detention is punished under Article 267 of the Revised Penal Code, as amended. Said provision reads:

"ART. 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;

- If the kidnapping or detention shall have lasted more than three days.
- If it shall have been committed simulating public authority.
- 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.
- 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 abovementioned were present in the commission of the offense.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed."

The primary element of kidnapping and serious illegal detention is the actual restraint of the victim or the deprivation of his liberty.[24] In the instant case, there is no mistaking the clear, overwhelming evidence that accused-appellant barged into the mahjong den, accosted Juanito Jube, forcibly dragged him out, beat him up so he will be unable to resist, loaded him in a Land Cruiser, and sped away. Juanito Jube was undoubtedly held captive against his will and deprived his freedom by accused-appellant. As to his present whereabouts, they are unknown; Juanito Jube has disappeared ever since.[25]

WHEREFORE, the decision in Criminal Case No. Q-91-19596 convicting appellant Ernesto Ramos of kidnapping and serious illegal detention is affirmed. Costs against appellant.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and Buena, JJ., concur.

[1] Presided by Judge Tirso D.C. Velasco. Notice of Appeal filed by Atty. Romeo R. Bringas dated August 16, 1995, Rollo, p. 52; Notice of Appeal filed by Atty. Serafin V. Cuevas, Rollo, pp. 53-54.

[2] Docketed as Criminal Case No. Q-91-19596.

[3] TSN dated September 26, 1991, pp. 4-21.

[4] TSN dated July 24, 1991, pp. 8-17.

[5] Decision dated August 14, 1995, pp. 5-9; 13, Original Records, pp. 861-863; 867.

[6] Id., p. 16, Original Records, p. 870.

[7] Appellant's Brief, p. 5, Rollo, p. 78.

[8] TSN dated July 24, 1991, p. 14.

[9] People v. Pallarco, 288 SCRA 151, 165 (1998), citing People v. Alberca, 257 SCRA 613, 631 (1996) and People v. Alcantara, 254 SCRA 384, 394 (1996).

[10] Id., p. 165.

[11] Ibid., citing People v. Landicho, 258 SCRA 1, 37 (1996) and People v. Castillo, 261 SCRA 493, 501 (1996).

[12] Id., p. 165.

[13] Ibid.

[14] Id., p. 9.

[15] Id., p. 15.

[16] People v. Pallarco, 288 SCRA 151, 159 (1998).

[17] Ibid., citing People v. Castillo, 273 SCRA 22, 31 (1997); People v. Bundang, 272 SCRA 641, 648 (1997); and People v. Flores, 252 SCRA 31, 39 (1996).

[18] Id., p. 166, citing People v. Anonuevo, 262 SCRA 22, 36 (1996).

[19] Id., p. 169, citing People v. Layno, 264 SCRA 558, 574 (1996).

[20] Ibid., citing People v. Dinglasan, 267 SCRA 26, 43 (1997); People v. Reyes, 287 SCRA 229, 243 (1998), citing People v. Sotes, et al., 260 SCRA 353, 366 (1996).

[21] Bautista v. Court of Appeals, 288 SCRA 171, 177 (1998), citing People v. Dinglasan, supra and People v. Amania, 248 SCRA 286 (1995).

[22] Ibid.

[23] People v. Calma, G.R. No. 127126, September 17, 1998.

[24] People v. Ablaza, 30 SCRA 173, 177 (1969); People v. Domasian, 219 SCRA 245, 253 (1993); People v. Cua, 232 SCRA 507, 516 (1994); People v. Gungon, 287 SCRA 618, 636 (1998).

[25] Prosecution witness Abraham Fernandez testified that on June 15, 1988, Estelita Hipolito instructed him to exhume the burned remains of a person buried in the field behind Hipolito's gasoline station in Sapang Palay and to throw said remains into the Angat River. Fernandez, however, was not able to identify the charred cadaver.

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