

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JESSEE
“GEORGE” CASTRO, JESUS L. DE LOS ANGELES AND EDGARDO E.
REYES A.K.A. OMPONG, ACCUSED-APPELLANTS.**

G.R. No. 132726. July 23, 2002

Ponente: VITUG, J.

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VITUG, J.:

For review by this Court are two death sentences pronounced on, and conviction beyond reasonable doubt of, appellants Jesus L. De los Angeles and Edgardo E. Reyes for the crime of KIDNAPPING and SERIOUS ILLEGAL DETENTION, for the purpose of extorting ransom, decreed by the Regional Trial Court of Cavite, Branch 88, in Criminal Case No. 129-97.

On 04 April 1997, Jesse B. Castro, a.k.a. George Castro, Jesus L. de los Angeles and Edgardo E. Reyes, a.k.a. Ompong, were indicted for the crime of kidnapping and serious illegal detention for ransom. The information read:

“That on or about 17 January 1997, in the City of Cavite, Republic of the Philippines and within the jurisdiction of the Honorable Court, the above-named accused, conspiring confederating together and mutually helping one another, did, then and there, wilfully, unlawfully and feloniously kidnap and detain ALFONSO SAEZ Y ANTONIO for the purpose of exhorting ransom from the latter or his family and that during the victim’s detention for more than 5 hours, serious physical injuries were inflicted upon and threats to kill him were made.”[1]

Jesse B. Castro remained at large. The two other accused, Jesus de los Angeles and Edgardo E. Reyes, entered a plea of “not guilty” when arraigned. The trial ensued shortly after the arraignment.

According to the Prosecution –

When Alfonso Saez came home at about six o’clock in the afternoon of 17 January 1997, he was informed by his siblings that Jesse Castro called up to say that he (Castro) wanted to speak with Saez. After taking a quick shower, Saez repaired to Castro’s residence. Just as Castro opened the gate for Saez, Castro pointed and fired his 9 mm. handgun at Saez, its bullet whizzing by his right ear. Saez was thrown against the concrete wall of the house. He was then taken inside the house. Two men, identified to be Edgardo Reyes and Jesus de los Angeles, joined Castro in mauling Saez. Castro hit Saez with an iron club. At around nine o’clock in the evening, Castro handed over to him a phone and ordered him to tell his family to raise twenty thousand (P20,000.00) pesos. Fifteen minutes later, Castro gave back the phone to Saez and told him to instruct the person on the other line to bring the money to a place near Bautista Hospital. About half an hour later, another call was placed to follow-up the demand. Turning to de los Angeles and Reyes, Castro instructed the two to go to the “drop-off point.” Nobody showed up. After an hour, Saez was ordered to call again, this time to designate another place where the money was to be delivered. Castro told Saez to have his relatives bring the money to the vicinity of the Aglipay Church in Caridad. Again, no meeting materialized.

Around midnight, Castro, de los Angeles and Reyes left the house and stayed by the gate conversing with one another. The victim took the opportunity to flee. He was able to untie his legs and tackle the stairs towards the second storey. He jumped out through the window but the noise he created caught the attention of Castro. The latter fired his gun, hitting the fleeing victim and planting a bullet in his buttocks. His plea for help alarmed some barangay officials who immediately came to his rescue and brought him to the nearest hospital.

The victim was shown to have incurred the sum of P5,269.80 in hospital expenses.

According to the Appellants –

Jesus de los Angeles testified that he knew Castro since way back and used to fix repairable items at the Castro household. On the day of the incident, he received a note from Castro asking him to build a platform for his water pump and to look for a “mason.” He was on his way to see Castro, when he chanced upon Edgardo Reyes. When told that Castro was looking for a “mason,” Reyes, then jobless, said that he could take on the work. Together, the two proceeded to the Castro residence and waited for Castro and his wife who had meanwhile left the house. Soon after the couple arrived, de los Angeles and Reyes were asked to clean up the place because of a dripping refrigerator. Finishing around midnight, the men engaged in a drinking spree. A noise coming from the other house alerted the trio. Reyes and de los Angeles rushed to the house while Castro went inside a chalet to get his gun. When de los Angeles and Reyes saw someone descending from an adjacent tree they hurled stones at the intruder. Later, a gunshot reverberated. Castro exclaimed that he had shot the intruder. He asked de los Angeles and Reyes to stay around. Castro left and failed to return that night. De los Angeles and Reyes were invited by police authorities to go to the hospital where they were identified by the victim.

The trial over, the court a quo convicted Jesus L. de los Angeles and Edgardo E. Reyes for having conspired with Jesse B. Castro (at large) in the perpetration of kidnapping and serious illegal detention for ransom. The trial court held thusly ---

“WHEREFORE, in view of all the foregoing considerations, this Court hereby finds the accused JESUS L. DELOS ANGELES and EDGARDO E. REYES GUILTY beyond reasonable doubt of the crime of kidnapping and serious illegal detention defined and penalized under Article 267 of the Revised Penal Code, as amended, as charged in the Information, accordingly hereby sentences both of them the Supreme penalty of DEATH; to pay the victim ALFONSO SAEZ jointly and severally the amount of P 5,269.80 as actual damages; and to pay the costs.”[2]

In this automatic review of their case, appellants de los Angeles and Reyes bewail their conviction and the penalty of death imposed by the trial court. Appellants claim that the persistence of the telephone calls placed to the residence of the victim - five calls were made between 9:00 in the evening and 12:00 midnight - and the inaccurate instructions as regards the drop-off points negate the “ransom money theory,” and that, if at all, the intention of Castro was really to compel the victim to pay his obligation.

The pertinent testimony given by the victim, Alfonso A. Saez, is hereunder reproduced:

“Q What time did you go home on that particular day?

“A Before 6:00 o’clock, sir.

“Q Upon arriving home, what happened?

“A I talked to my sister and then my sister told me that George Castro has called me up.

“Q What is the name of your sister?

“A Irene, sir.

“Q After Irene told you that, what did you do, if any?

“A I took a bath and went to the house of George Castro, sir.

“Q Where is the house of George Castro located?

“A No. 2, Royal Sunset Homes Dalahican, Cavite City, sir.

“Q Were you able to go to the house of George Castro?

“A Yes, sir.

“Q What happened after you arrived there?

“A When I arrived there he opened the gate then he at once fired his gun near my ear and after that, I bumped on the concrete wall, sir.

“Q What type of gun did George Castro use?

“A Nine millimeters, sir.

“Q How many times did he fire the gun?

“A Upon my entrance, once, sir.

“Q When he fired that gun, were you already inside the residence of George Castro or still outside?

“A Inside, sir.

“Q According to you, he fired the gun at your ear or near your ear?

“A Near my ear, sir. (Witness pointing to his right ear)

“Q Did you see where the gun was pointed at that time, whether it was upward or downward or what?

“A Upward, sir.

“Q And, according to you, by reason of that firing of the gun you were thrown against a concrete wall?

“A Yes, sir.

“Q Was it a wall of a house or a fence?

“A Wall of the house, sir.

“Q After that, what happened?

“A After he fired his gun there were two persons who suddenly went inside, sir.

“Q Went inside what?

“A Inside the compound, sir.

“Q Where did these two persons come from?

“A Outside, sir.

“Q Who are these two persons you are referring to?

“A Edgardo Reyes and Jesse Angeles, sir.

“Q And, after they went inside, what happened?

“A They kept on boxing and kicking me, sir.

“Q Who?

“A Edgardo Reyes and Jesse Angeles and George Castro, sir.

“Q For how long were you mauled by the three?

“A For a long time, sir.

“x x x x x x x x

“Q After mauling you, what else happened?

“A George Castro gave me the phone and asked me to call up our house, sir.

“Q Did he tell you why you were being asked to call home?

“A They were asking my family to produce P20,000.00, sir.

“Q What is that P20,000.00 for?

“A For ransom money, sir, they asked my family to give that as ransom money, sir.

“Q What exactly did George tell you when he asked you to call home and produce that P20,000.00?

“A He said that my family should produce P20,000.00 in exchange for my life, sir.

“Q Did you call home?

“A Yes, sir.

“Q With whom did you speak?

“A My sister, sir.

“Q What is the name of your sister?

“A Irene Saez, sir.

“Q What did you tell her?

“A I told her that it was needed that this P20,000.00 be produced.

“Q What was the reply of Irene?

“A Then George Castro grabbed the phone away from me, sir.

“Q What happened after that?

“A After that George Castro told me that my family should produce P20,000.00 and he further instructed me to call up my family again so that they could be informed of the place where the money would be brought.

“Q What time was it when you first called home?

“A At 9:00 o'clock in the evening, sir.

“Q How about the time when you first arrived at the house of Jesse Castro, what time was it, more or less?

“A 7:00 o'clock, sir.

“Q Did you have any occasion to call your family again? During that same evening?

“A I was asked to call again and then I called up at 9:15 to tell them as to the place where the money will be brought.

“Q Who answered the phone when you called home?

“A Ronaldo Saez, sir, my brother.

“Q What did you tell Ronaldo?

“A I told him to bring the money near Bautista Hospital as there will be a person who will wait there.

“Q Did Ronaldo tell you anything during that conversation?

“A He was asking me as to where I was at that time, sir.

“Q Were you able to answer his question?

“A I told him that I was in Imus, sir, I was instructed by George Castro to inform him that I was in Imus, I did it so because the gun was aimed at me, sir.

“Q Did Ronaldo ask you any other questions?

“A He did not ask any questions anymore, the phone was grabbed away from me by George Castro.

“Q Did Ronaldo comply with your instructions to bring the money to Bautista Hospital?

“A No, sir.

“Q What happened after Ronaldo failed to comply with your instructions?

“A George Castro ordered me again to call home, sir.

“Q What time was that when you were ordered for the third time to call home?

“A About 9:30 in the evening, sir.

“Q Were you able to call home?

“A Yes, sir.

“Q And, with whom did you talk on the telephone?

“A With my sister Irene Saez again, sir.

“Q What did you tell your sister?

“A I told her to bring the money near Bautista Hospital as there will be a person who will get the money, sir.

“Q Was that the only conversation you have with Irene at that time?

“A My sister was asking why, sir.

“Q What was your reply?

“A George Castro grabbed again the phone away from me, sir.

“Q All this time you were being ordered by George Castro to call home and tell your relatives to produce P20,000.00, were your hands still tied up behind your back?

“A Yes, sir.

“Q So, how were you able to dial the telephone?

“A George Castro knows my telephone number, sir.

“Q Who dialed the telephone?

“A George Castro, sir.

“Q Who was holding the telephone while you were having a . . .

“A George Castro, sir, the telephone is wireless.

“Q Did Irene Saez comply with your instructions to bring the money to Bautista Hospital?

“A No, sir.

“Q What happened, after that?

“A George Castro instructed the two persons to go to Bautista Hospital, sir.

“Q Who are these two persons?

“A Edgardo Reyes and Jesse Angeles, sir.

“Q Did they follow the instructions of George Castro?

“A Yes, sir.

“Q So, they left that house inside the compound?

“A Yes, sir.

“Q And, you were left with George Castro at that time?

“A Yes, sir.

“Q For how long did the two accused leave the house?

“A About thirty (30) minutes, sir.

“Q And, after thirty (30) minutes, what happened?

“A The two returned, sir.

“Q After they returned, what happened?

“A They told George Castro that there was nobody there.

“Q And, what happened next?

“A I was asked again to call home, sir.

“Q What time was that?

“A About 10:30 in the evening, sir.

“Q Were you able to call home?

“A Yes, sir.

“Q With whom did you speak?

“A To my sister Irene Saez, sir.

“Q What did you tell Irene Saez this time?

“A I told her to bring the money near Aglipay Church in Caridad, sir.

“Q Was that the only thing you told Irene?

“A Yes, sir.

“Q What did Irene say?

“A She asked why?

“Q Did you reply?

“A I was not able to tell her the reasons why, sir, I just told her that I was in Imus.

“Q Was Irene able to bring the money to the Aglipay Church?

“A No, sir.

“Q What happened, after that?

“A George Castro instructed Edgardo Reyes and Jesse Angeles to go to Aglipay Church, sir.

“Q What time was that?

“A About before 11:00 o'clock in the evening, sir.

“Q And, for how long were the two accused gone?|

“A About 20 minutes, sir.

“Q So, after 20 minutes, what happened?

“A The two returned, sir.

“Q What happened after they returned?

“A They said that there was nobody there, sir.

“Q What happened after that?

“A After that I was again ordered by George Castro to call home, sir.

“Q With whom did you talk this time?

“A To my brother, sir.

“Q Same brother Ronaldo?

“A Ronaldo Saez, sir.

“Q What did you tell Ronaldo?

“A I told him to bring the money to Aglipay Church, sir.

“Q Was that the only conversation you had with Ronaldo?

“A Yes, sir.

“Q And, after that what happened?

“A I was told by George Castro that that will be my last chance of calling home and if ever he will instruct these two persons to go to Aglipay Church and there will be nobody there and these two persons will return to that place they will already kill me, sir.

“Q What happened after George threatened you with those words?

“A He again asked me to call home.

“Q Was that after your 5th call or are you referring to your 5th call during which you were able to talk with Ronaldo?

“A Yes, sir, that was my last call, that was 12 midnight.

“Q That was your conversation with Ronaldo?

“A Yes, sir.

“Q And, what happened after that?

“A George Castro told me that that was my last chance in calling home and after that he again grabbed away the phone from me.”[3]

That the detention was, as so alleged by appellants, made to merely compel Saez to pay his debt, would not exonerate them from the crime of kidnapping. In *People vs. Akiran*,[4] a similar invocation was turned down by the Supreme Court; it explained:

“We state in passing that even if the purpose alleged by the defense be accepted – that is, to compel the alleged payment – under Article 267 of the Revised Penal Code, as amended by R. A. 1084 effective June 15, 1954, the offense is still kidnapping for ransom. Said amended last paragraph, which increased the penalty for kidnapping and serious illegal detention, provides:

“‘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 were present in the commission of the offense.’

“This provision was derived from statutes of the United States, particularly the Lindbergh Law. Thus, American Jurisprudence thereon has persuasive application. ‘Ransom’ under American rulings, as used in statutes making kidnapping with intent to hold for ransom a capital offense, has been held to mean in its ordinary sense as ‘money, price, or consideration paid or demanded for redemption of a captured person or persons, a payment that releases from captivity.’ Since the accused in this case demanded and received money as a requisite for releasing a person from captivity, whatever other motive may have impelled them to do so, the money is still ransom under the law.”[5]

The corpus delicti in the crime of kidnapping for ransom is the fact that an individual has been in any manner deprived of his liberty for the purpose of extorting ransom from the victim or any other person. Whether or not the ransom is actually paid to or received by the perpetrators is of no moment. In *People vs. Salimbago*,[6] the Court stressed:

“x x x No specific form of ransom is required to consummate the felony of kidnapping for ransom so long as it was intended as a bargaining chip in exchange for the victim’s freedom. In municipal criminal law, ransom

refers to the money, price or consideration paid or demanded for redemption of a captured person or persons, a payment that releases from captivity. Neither actual demand for nor actual payment of ransom is necessary for the crime to be committed.”[7]

In meting upon appellants de los Angeles and Reyes the extreme penalty of death, the trial court has adjudged them as having conspired with Castro in the kidnapping for ransom and thereby equally making them liable with him for the crime.

Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Verily, when conspiracy is established, the responsibility of the conspirators is collective, not individual, that render all of them equally liable regardless of the extent of their respective participations, the act of one being deemed to be the act of the other or the others, in the commission of the felony. But conspiracy must be proven beyond reasonable doubt,[8] with each of its elements being shown by the same quantum of proof required for proving the crime itself. The state is required to establish by competent evidence that there has been an agreement to commit the underlying substantive offense by the accused and at least one other person.[9] It may be deduced from the mode and manner in which the offense is perpetrated, or inferred from the acts of the accused themselves when such acts clearly point to a joint purpose and design, concerted action, and community of interest.[10] Just as important, however, is that the criminal intent of an accused to commit the crime charged not only should be known to but also shared by the other or others in conspiracy[[11] with him.

Accused Jesse George Castro summoned the victim to his residence. When Saez arrived, Castro opened the gate. At once, Castro fired his 9 mm. gun at Saez with its bullet whizzing by his right ear. The latter was thrown against a concrete wall. It was after the gunfire was heard when de los Angeles and Reyes rushed into the compound. Saez was then taken inside the house of Castro where he was mauled. Castro later ordered the victim to call his house to ask for ransom money.

The evidence, given the tests for proving conspiracy, would appear to be rather tenuous. The complicity of appellants to the crime was, per the account given by Saez, their part in the mauling incident and in acceding to the instructions of Castro to go to the vicinity of Bautista Hospital and then to an area near the Aglipay Church in Caridad to collect the money then being demanded by Castro. The participation of appellants, standing alone, without conspiracy being established, neither could be described as constitutive of the crime of kidnapping for ransom nor as being indispensable to its commission.

Nevertheless, the absence of conspiracy does not absolve them of criminal liability. Article 18 of the Revised Penal Code, as amended, penalizes as being accomplices persons who cooperate in the execution of the crime by previous or simultaneous acts, by means of which they aid, facilitate or protect the execution of the crime. The liability of an accomplice goes to one who, being aware of the criminal design, although neither concurring nor assenting to it, cooperates in the execution of the crime. The penalty imposed upon accomplices in a consummated crime is, under Article 52 of the Revised Penal Code, the penalty next lower in degree than that prescribed for the felony.

Article 267 of the Revised Penal Code provides:

“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;

“1. If the kidnapping or detention shall have lasted more than three days.

“2. If it shall have been committed 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.

“4. 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. (As amended by Sec. 8, RA No. 7659.)”

The penalty of death is prescribed for the offense of kidnapping and serious illegal detention when the kidnapping or detention is committed for the purpose of extorting ransom. One degree lower than that penalty is reclusion perpetua.

WHEREFORE, the decision of the Regional Trial Court of Cavite, Branch 88, in Criminal Case No. 129-97, is **AFFIRMED** with **MODIFICATION** in that appellants Jesus L. de los Reyes and Edgardo Reyes, a.k.a. Ompong, are found guilty as being accomplices in the crime of kidnapping for ransom and are each sentenced to suffer the penalty of reclusion perpetua. The award of actual damages by the court a quo is sustained. Costs de oficio.

SO ORDERED.

Bellosillo, (Acting C.J.), Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, and Corona, JJ., concur.
Davide, Jr., C.J., on leave.

[1] Rollo, p. 9.

[2] Rollo, p. 104.

[3] TSN, pp. 5-15, 30 June 1997.

[4] 18 SCRA 239.

[5] At p. 246.

[6] 314 SCRA 282.

[7] At p. 301.

[8] People vs. Alagon, 325 SCRA 297; People vs. Quilaton, 324 SCRA 670.

[9] U.S. vs. Anderson, 89 F.3d 1306, 1996 FED App. 233P (6th Cir. 1996)

[10] People vs. Orbita, 322 SCRA 321.

[11] Delli Paoli vs. U. S., 352 U. S. 232, 77 S. Ct. 294, 1 L. Ed. 2d 278, 57-1 U.S. Tax Cas.

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