

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ELIZABETH CASTILLO AND EVANGELINE PADAYHAG, APPELLANTS.

G.R. No. 132895. March 10, 2004

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-132895/>

PER CURIAM:

Before us on automatic review is the Decision[1] of the Regional Trial Court of Parañaque, Branch 260, National Capital Judicial Region, in Criminal Case No. 95-86, finding appellants Elizabeth Castillo (“Castillo”) and Evangeline Padayhag (“Padayhag”) guilty of Qualified Kidnapping and Serious Illegal Detention[2] and sentencing them to death.

The Information[3] charging Castillo, Padayhag and Imelda Wenceslao with the crime of kidnapping, reads:

That on or about March 1, 1995, in Parañaque, Metro Manila, Philippines, and within the jurisdiction of the Honorable Court, said accused ELIZABETH CASTILLO and EVANGELINE PADAYHAG, conspiring together, confederating, and mutually helping one another, did then and there willfully, unlawfully and feloniously kidnap, carry away, and seriously detain HORACIO CEBRERO IV @ “Rocky”, a five years old child (sic), which kidnapping or serious detention lasted for more than three (3) days thereby depriving him of his liberty, and which was committed for the purpose of extorting ransom from the parents of the victim, to the damage and prejudice of the victim himself and his parents.

The said accused IMELDA CASTILLO WENCESLAO, without having participated in the said crime as a principal, did then and there willfully, unlawfully and feloniously participated (sic) in the execution of the crime by previous and simultaneous acts by allowing and furnishing the use of her residence where victim Horacio Cebrero IV was kept knowing him to have been taken by principal accused Elizabeth Castillo and Evangeline Padayhag without the consent of his parents.

CONTRARY TO LAW.

Upon arraignment on 10 May 1995, both Castillo and Padayhag initially pleaded guilty. However, on 18 May 1995, Castillo and Padayhag withdrew their plea of guilt. They entered a plea of not guilty on 3 August 1995. Imelda Wenceslao remains at large.

The prosecution submitted documentary evidence and presented eight witnesses, namely: (1) Horacio Cebrero IV (“Rocky”), the victim; (2) Rosanna Baria, the victim’s “yaya”; (3) Luis Cebrero, the victim’s father; (4) Sandra Cebrero, the victim’s mother; (5) Staff Sgt. Alejandro Delena of the Philippine National Police (“PNP”); (6) Wivino Demol, a member of the Armed Forces of the Philippines (“AFP”) Intelligence Security Group, army surveillance and search team; (7) Capt. Raniel Ramiro, also of the AFP Intelligence Security Group; (8) and Staff Sgt. Manual Iglesias of the PNP.

The defense presented only two witnesses: Castillo and Padayhag themselves.

The Office of the Solicitor General (“OSG”) summarized the prosecution’s version of the incident in the appellee’s brief, as follows:

On March 1, 1995, Rosanna Baria was employed as one of the household helpers of Mr. and Mrs. Luis De Guzman Cebrero at their residence in Classic Homes, B. F. Parañaque, Metro Manila (p. 26, tsn, August 3, 1995). In the morning of said date, Femie, another housemaid of the Cebreros' and Baria's relative, bathed and dressed up Rocky, the couple's six year old son and afterwards advised Baria that someone, who was also a Cebrero househelper, will fetch Rocky (p. 28, supra). At about 8:00 a.m., a tricycle arrived. On board was a woman, whom Baria pointed to in court and who gave her name as Evangeline Padayhag (p. 26, supra). Baria assisted Rocky to board the tricycle. The tricycle brought Rocky and the woman, whom Rocky pointed to in court and who gave her name as Evangeline Padayhag (p. 9, tsn, August 3, 1995), to a nearby "Mcdonald's". Thereat, they were joined by another woman (p. 13, supra) whom Rocky pointed to in court and who gave her name as Elizabeth Castillo (p. 9, supra). The three proceeded to a house far from the "Mcdonald's" (p. 13, supra) where Rocky slept "four times" (p. 14, supra).

At about 5:30 p.m. of March 1, 1995, Luis Cebrero arrived home from work. When his son DJ arrived, he informed his father that Rocky did not attend school. Luis Cebrero asked Baria (pp. 4-5, tsn, August 22, 1995) who told him that Rocky was fetched at home by a woman to attend a birthday party (p. 5, supra). Informed thereof, Mr. Cebrero then called up his friends and went to the police station to report that his son was missing (p. 9, supra).

At about 7:30 p.m. that night, Luis Cebrero received a telephone call from a woman saying, "Ibigay mo sa akin ang ATM card mo o ang bata" (p. 10, supra). Luis replied, "Kailangan ko ang bata". The woman asked how much money was in his ATM and Luis replied P40,000.00. Luis then requested to talk to his son but the woman said, "Hindi puwede, malayo dito ang anak mo at tatawag na lang uli ako" (p. 10, supra).

Luis Cebrero decided to connect a tape recorder to his phone. On March 2, 1995, at about 7:20 p.m., his phone rang. The caller was a woman telling him, "Bigyan mo ako nang isang million", to which he replied, "Hindi ko kayang ibigay ang isang million". The caller told Luis that she will call back later on (pp. 11-12, supra).

The Cebreros informed the authorities that two of their maids were hired from an agency, the General Services, Inc. at Parañaque. Major Ordoyno of the Intelligence Security Group, Philippine Army (PA) sent Sergeants Rempillo and Iglesias to the agency to verify this. The two were furnished by General Services, Inc. with the personal data of the maids named Elizabeth Castillo and Jasmine Nuñez (pp. 13-14, tsn, March 12, 1996).

When the caller did not contact Luis Cebrero the following day, March 3, 1995, he instructed his wife to raise some money. From the bank, Mrs. Cebrero withdrew P800,000.00 in P1,000.00 denomination. The bank provided Mrs. Cebrero a list containing the serial numbers of the money withdrawn (pp. 15-16, supra).

On March 4, 1995, at about 9:30 p.m., Luis Cebrero received a telephone call. The caller was a woman who asked, "Ano nasa iyo na ba ang pera"? Luis answered, "Hindi ko kayang ibigay sa iyo ang halagang iyon, kalahati lang ang kaya kong ibigay". The caller said, "Sige, puede na yan (p. 17, supra) and instructed Luis Cebrero to be in Paco, Obando, Bulacan, alone, at about 2:00 a.m.; that at Paco, Obando, Bulacan, is a "Farmacia Dilag" and beside it is a street which Luis must follow until he reaches the church called "Sabadista" where he should drop the money (p. 18, supra). Luis Cebrero received another call on that same night instructing him to stop in front of the Farmacia Dilag and walk on the street beside it going to a chapel and to drop the money on the chapel's terrace (p. 19, supra).

Informed of the place for the pay-off, on March 4, 1995, Major Ronnie Eleazar, Commanding Officer of the Intelligence Security Group (ISG), Philippine Army, briefed his men on Rocky's kidnapping and assigned them their respective tasks in the stakeout they will undertake around the pay-off area (pp. 6-7 tsn, January 30, 1996). At about 11:00 p.m. of March 4, 1995, Sgt. Alejandro Delena and his ISG team, proceeded to Obando, Bulacan for the stakeout. After positioning themselves near the stakeout site, a car arrived and stopped in front of the chapel. The man alighted and placed a bag in front of the chapel and immediately left (p. 10, supra). After about forty (40) minutes, two women appeared, proceeded to where the bag was dropped. On seeing the bag, the women laughed and left. After about two (2) minutes, the two women returned, picked up the bag and

immediately left (pp. 11-12, *supra*). The ISG team searched the area around the drop-off place but the two women were nowhere to be found (p. 17, *supra*). In court, Sgt. Delena pointed to and identified Castillo and Padayhag as the two women he saw in front of the chapel in Obando, Bulacan and who, later on, picked up the bag dropped by Luis Cebrero (p. 12, *supra*).

Puzzled by the sudden disappearance of the two women, Sgt. Delena and his team remained at the stake-out area. The team befriended the residents of the place, one of whom was a certain Joselito Torres who claimed to be the former boyfriend of Elizabeth Castillo whom he recognized from the picture shown to him by Sgt. Delena. Torres informed the ISG team that Castillo had already left for Mindanao. Sgt. Delena immediately communicated the information, including the address of Gigi Padayhag in Navotas, to his commanding officer (p. 19, *supra*).

At about 9:00 p.m. of March 5, 1995, Luis Cebrero was at home when a tricycle stopped in front of his house. Somebody knocked at the door and when Luis Cebrero opened it, he saw his son, Rocky (pp. 23-24, *tsn*, August 22, 1995).

On March 12, 1995, an ISG team headed by Sgt. Manuel Iglesias was dispatched to Navotas to locate “Gigi” Padayhag at the address furnished by Sgt. Delena. The team found Padayhag who upon being apprised of the kidnapping of Rocky Cebrero, voluntarily went with the ISG team to Camp Crame to clear her name (p. 14, *tsn*, May 22, 1996).

Upon the instruction of the ISG, Sgts. Delena and Demo were ordered to proceed to Dipolog City to look for Castillo (pp. 20-21, *tsn*, January 30, 1996). Sgt. Delena arrived in Dipolog City on March 13, 1996. He was briefed and shown the area where Castillo could be found (p. 23, *supra*).

When Sgt. Demol arrived in Dipolog City, he and Sgt. Delena coordinated with the PNP stationed at Barangay Tulong, Rizal, Zamboanga del Norte (p. 41, *tsn*, March 12, 1996). Thereat, Sgt. Demol requested for the assistance of persons from Barangay Mitimos, where Castillo was believed to be hiding. The PNP assigned them two barangay officials of Mitimos who, when shown the picture of Castillo, said that the woman in the picture is in Barangay Mitimos (p. 46, *supra*).

Upon the request of the police, the two barangay officials conducted a daily surveillance on Castillo. On March 18, 1995, Sgt. Demol reported to the ISG headquarters that Castillo was in Barangay Mitimos. In turn, Sgt. Demol was advised that ISG will be sending him, through JRS Express, copies of the list of serial numbers of the bills used as pay-off and a DOJ subpoena (p. 54, *supra*). Upon receipt of said documents, Sgt. Demol applied for a search warrant (p. 58, *supra*) which was granted by the Dipolog City Regional Trial Court on March 21, 1995 (p. 57, *supra*). The search warrant was shown to Elizabeth Castillo and her father who signed the same (pp. 60-61, *supra*). The search yielded a black bag placed in a carton inside the house (pp. 61-62) containing money in P1,000.00 bills in the total amount of P277,000.00 (p. 68, *supra*). The serial numbers of the recovered money bills appeared in the list furnished to Sgt. Demol by ISG (pp. 88-89, *supra*). Thereafter, the money was deposited with the Regional Trial Court at Dipolog City (p. 89, *supra*).

Prosecuted for kidnapping and serious illegal detention, Evangeline Padayhag and Elizabeth Castillo initially pleaded guilty upon arraignment and were each meted the penalty of life imprisonment (p. 4, *tsn*, August 3, 1995). The trial court, however, on motion based on improvident plea, ordered the withdrawal of the plea of guilty and directed the re-arraignment of Castillo and Padayhag.

After trial, Castillo and Padayhag were convicted of kidnapping and serious illegal detention as charged.[4]

Appellants maintain their innocence and present their own version of the events in their brief, as follows:

- Accused ELIZABETH CASTILLO was a househelper at the Cebrero household from December 1993 to January 1995. She did the cleaning of the house, laundry of dirty clothes, and also took care of Rocky, son of Luis and Sandra Cebrero;

- Accused Evangeline Padayhag, also a househelper, is a friend of Elizabeth Castillo. The two met sometime in 1994 at Paco, Ubando, Bulacan, when Padayhag worked in the household of Julito Lawagon, the latter being the neighbor of Helen Lim, Elizabeth Castillo's sister;
- Upon assumption from work, Castillo was promised by Mrs. Sandra Cebrero a monthly salary of one thousand two hundred pesos (P1,200.00);
- Castillo, however, was never given compensation during her entire employment in the Cebrero household;
- Castillo was also not treated nicely by the Cebrero spouses. When something gets lost in the house, she was always the one being blamed, although the children were the ones getting the things. Besides, they say bad words against her. Thus, she has no other choice but to leave her work;
- Castillo had been consistently demanding from the Cebrero spouses her unpaid wages for one year; but her demands remained unheeded;
- Having reached only elementary education, Castillo believed that the only effective way for her to claim back her unpaid wages is to use Rocky, son of the Cebrero Spouses;
- On 1 March 1995 Castillo called Padayhag, telling the latter that her boyfriend is sick. At that time, Padayhag was already working at Jelaya St., B.F. Homes, Parañaque under the employ of Lulu Sablan. Castillo fetched Padayhag. The two, however, did not go to see Padayhag's boyfriend but instead they went to a playground;
- Castillo then instructed Padayhag to fetch Rocky from his house at Cesar Virata St., B.F. Homes, Parañaque, Manila. When Padayhag asked why she wanted to see Rocky, Castillo answered that she missed the boy. Padayhag obliged to the request, knowing that the latter would not do any harm to the boy;
- It was only the first time that Padayhag saw Rocky;
- She brought the child to a market at B.F. Parañaque, where Castillo was waiting. The three went on a stroll. Thereafter, they went to the house of Imelda Wenceslao, Castillo's sister, at Bagong Barrio, Caloocan City. Castillo noticed that Rocky had a fever, so she requested Vangie to buy a medicine;
- Padayhag was not told by Castillo as to when the latter would return the boy. Padayhag did not sense anything wrong with what had happened as she believed that Castillo only took Rocky for a stroll;
- Imelda Wenceslao asked why they brought a child along with them. Castillo answered that she just wanted to see the boy. Wenceslao then asked if they asked permission from the parents, and Castillo answered "no";
- At night, Castillo talked to Mr. Luis Cebrero over the phone to inform him that Rocky was with her. Mr. Cebrero told her not to harm the boy. No threat or demand for ransom was ever made by the accused to the Cebrero spouses. She never asked Mr. Cebrero how much money he had in the bank;
- The following day, 2 March 1995, Castillo called Mr. Cebrero again to tell him that she could not yet return Rocky because he still had a slight fever. She also told Mr. Cebrero: "Hindi nyo ako sinusuwelduhan". He asked her: "Magkano ba ang kailangan mo?" She did not answer. Then Mr. Cebrero said: "May pera ako rito, kalahating milyon." At that moment, Castillo hanged-up the phone;
- Castillo denied in her Sinumpaang Salaysay dated 25 August 1999, attached as Annex "A" and made an integral part hereof, that she demanded one million (P1,000,000.00) from the Cebrero spouses;
- On the evening of 4 March 1995, when Castillo called Mr. Cebrero, he asked them where they were. The accused told him that they were in Paco, Ubando, Bulacan, near a Protestant Church. Mr. Cebrero then said: "Pupunta ako ryan bandang 2:00 ng madaling araw (March 5, 1999) na may bitbit na pera at ilalapag ko ito sa may simbahan";

- On 5 March 1995, at around 4:30 a.m. Castillo and Padayhag went out to buy “pandesal”. They noticed that at a post near a Church, a dog was trying to pull a black plastic bag. They picked it up and brought it home. When they opened it, they found five bundles of money, in P1,000.00 denomination;
- At about 9:00 p.m. of the same day, Mr. Cebrero heard a tricycle stop in front of their house. Someone knocked at the door, and when he opened the door, he saw Rocky;
- On 11 March 1995, Capt. Raniel Ramiro, Intelligence Security Group of the Philippine Army, together with his men, after coordinating with Caloocan Police, arrested Evangeline Padayhag at her residence at Dagat-Dagatan, Caloocan City. The military men did not have a warrant of arrest at this particular operation;
- The military were civilian-dressed. They pretended to be Padayhag’s cousins who came from abroad, and they “invited her to a birthday party”. However, they brought her to Fort Bonifacio for interrogation. It was only then that Padayhag learned that her companions were military men;
- At Fort Bonifacio, the police coerced Padayhag to confess to the crime, threatening her: “Pag hindi ka pa umamin, kami na mismo and bibitay sa iyo”. Padayhag, however, did not confess to the commission of the crime. She was then brought to Camp Crame at Quezon City on that same date;
- The following day, 12 March 1995, during the custodial investigation, a certain Major Meneses was exerting pressure on Padayhag to reveal where the P500,000.00 is. She told Major Meneses: “Wala akong pera na ganoon kalaki.” He said to her: “Pag hindi ka umamin, papatayin na kita talaga!” Her answer was: “Patayin nyo man ako, hindi ako aamin dahil wala akong ganoong kalaking pera.” Major Meneses then slapped Padayhag and hit her with a stool on her leg;
- Major Meneses also threatened Padayhag that if she would not confess to the crime, he would submerge her on a drum. They forcibly brought her to a toilet room. She saw there two big drums. Major Meneses then told her: “Iyong mga hindi umamin, nilulublob namin dito sa drum”. Padayhag shouted. Thereafter, someone knocked at the door and said: “Pakawalan n’yo na iyan dahil marami nang tao”. They brought her out of the room and handcuffed her;
- SPO1 Larry Pablo was likewise threatening Padayhag: “Pag hindi ka pa umamin, ihuhulog na kita sa bintanang ito!” (They were on the third floor of a building) “Alam mo ba kung ilan na ang naihulog namin diyan? Panlabindalawa ka na sa ihuhulog namin diyan!”;
- During the custodial investigation, Padayhag was not assisted by a counsel, nor has she waived her right to counsel. She was coerced by the police into signing an extrajudicial confession without even explaining to her the contents thereof;
- Atty. Eranio Sedillo only arrived one hour (1 hr.) after Padayhag had already signed the questioned extrajudicial confession;
- Elizabeth Castillo was arrested at Mitimos, Rizal, Zamboanga del Norte on or about 21 March 1995. Police officers came to her house, and when they informed her that they were looking for the money, she voluntarily gave it to them;
- The approximate amount of money taken by Castillo was only twenty thousand (P20,000.00) She returned the rest of the money to the police who arrested, her;
- Castillo vehemently denied in her Sinumpaang Salaysay (par. No. 14) that she returned only P227,000.00;
- Castillo and her escorts were fetched in Manila by a van. Inside the van, they blindfolded her. They removed her blindfold when they reached Camp Crame;
- Major Meneses and SPO1 Larry Pablo investigated her. She was slapped by Pablo, forcing her to admit

where the money is;

- During the investigation, Pablo poked a gun on her, then forced her to write what he would say to her. He instructed her to write: “Na kapag hindi ko isasauli ang lahat ng pera ay pwede n’yo na akong patayin”. Castillo followed the instructions because of fear.[5]

In an 11-page Decision, of which nine pages were devoted to the recital of facts, the trial court found the testimonies of the prosecution witnesses more credible and gave no weight to Castillo and Padayhag’s defenses. The trial court convicted appellants on 17 December 1997 and imposed on them the death penalty, thus:

Originally, both accused pleaded guilty to the offense and were meted the penalty of life imprisonment. However, shortly thereafter, they moved to withdraw their plea claiming it was precipitate, which the court allowed and proceeded with a full-blown trial.

Accused Elizabeth Castillo demanded money from Rocky’s parents for the release of the latter. She told his father to bring the money to Obando Bulacan. The Court can only imagine the pain, worry, fear and anxiety of the boy’s parents while their youngest son was under detention.

Ransom is money, price or consideration demanded for the redemption of a captured person or persons, a payment that releases from captivity” (Corpus Juris Secundum 458). The testimony of Elizabeth Castillo that she did not know about the money cannot be given weight. Two hundred Seventy Seven Thousand (P277,000.00) Pesos was found among her things, the bills bearing the same serial number as the money paid to her.

The court has taken a hard look in determining the liability of Evangeline Padayhag as it seems that her only participation in the crime was picking up the boy from his house. Although she did not get part of the ransom the fact is that she fully and directly cooperated and did her part to carry out the resolution of her co-accused. Under these facts there was conspiracy to extort ransom. People versus Kamad Akiran, 18 SCRA 239.

The Court is convinced that the prosecution has established the guilt of the accused beyond reasonable doubt.

WHEREFORE, ELIZABETH CASTILLO and EVANGELINE PADAYHAG are sentenced to suffer the supreme penalty of death. Further, they are hereby ordered to pay jointly and severally the sum of Five Hundred Thousand (P500,000.00) Pesos as moral damages and Five Hundred Thousand (P500,000.00) Pesos as exemplary damages plus costs of litigation.

SO ORDERED.[6]

Appellants seek the reversal of their conviction by raising the following assignments of error:

I

THE TRIAL COURT ERRED IN MISAPPRECIATING (SIC) THE FACTS OF THE CASE.

II

THE TRIAL COURT ERRED IN CONCLUDING THAT THERE WAS CONSPIRACY TO EXTORT RANSOM IN THIS CASE.

III

THE TRIAL COURT ERRED IN CONSIDERING THE UNCOUNSELLED CONFESSION OF EVANGELINE PADAYHAG.

IV

THE TRIAL COURT GRAVELY ERRED IN IMPOSING THE DEATH PENALTY IN THE CASE AT

BAR.[7]

We affirm the trial court's judgment convicting Castillo. However, we acquit her co-accused Padayhag.

To sustain a conviction for Kidnapping and Serious Illegal Detention under Article 267 of the Revised Penal Code,[8] the prosecution must establish the following: (1) the offender is a private individual; (2) he kidnaps or detains another or in any other manner deprives the victim of his liberty; (3) the act of kidnapping or detention is illegal; and (4) in the commission of the offense any of the following circumstances is present: (a) the kidnapping or detention lasts for more than three days; (b) it is committed by simulating public authority; (c) serious physical injuries are inflicted on the victim or threats to kill are made; or (d) the person kidnapped or detained is a minor, female or a public officer.[9]

Appellant Castillo's Liability

Castillo asserts that the victim's parents did not pay her wages when she worked as a maid of the victim's family.[10] She claims that it was this injustice, her educational level and her ignorance of the law, which impelled her to take Rocky. She faults the trial court for refusing to consider this. Castillo is mistaken. Whether or not her employer failed to pay her salary is irrelevant. No amount of perceived injustice can serve as justification for any person to retaliate through the commission of another crime. The trial court was therefore correct in disregarding Castillo's claim that Rocky's parents committed injustice on her.

Castillo's claim of injustice cannot justify in any way her demand for ransom. Ransom is "money, price or consideration paid or demanded for redemption of a captured person or persons, a payment that releases from captivity." [11] Thus, even if she had a right to demand payment of her unpaid wages, the money she actually demanded and eventually received, is still ransom.

Castillo's reliance on her low educational level is similarly unavailing. The penalty for kidnapping for ransom is the singular and indivisible penalty of death. This bars the application of any alternative, mitigating or aggravating circumstance.[12]

Mr. Cebrero admitted that he was unable to identify his son Rocky's abductors. De Lena and Iglesias, the police officers who did the stake-out during the "pay-off," testified that the two women suddenly disappeared after retrieving the plastic bag containing the ransom. The police officers' inability to explain how two simple maids managed to give 5 carloads of police officers the slip severely discredits their account of what happened that day.

Rocky's testimony, however, leaves no room for doubt. Only six years of age when he testified, Rocky was candid and direct in his recollection, narrating events as a young boy saw them happen, thus:

COURT

Alright. Rocky, when Vangie went to fetch you from your house.

A

Yes.

COURT

You took a tricycle.

A

Yes.

COURT

Where did you go?

A

I do not know.

PROS. FONACIER

Your Honor, please, may we request that the rule on evidence be not strict on this boy. The witness is of tender age.

ATTY. SOLUREN

There is no strict implementation as to what the Honorable Prosecutor stated. There is no strict implementation of the rules of court. In fact, we are very lenient but the fact is, the child said he does not know. But the question is – he was giving the answer to this witness.

COURT

Ask another question.

Q

Rocky, nang sumakay kayo ni Vangie sa tricycle, nakita mo ba si Beth Castillo?

A

Nakita namin si Beth sa McDonalds. Malapit sa amin.

Q

Rocky, nakita ninyo si Beth. Ngayon, tatlo na kayo, ikaw, si Beth at si Vangie?

A

Yes.

Q

Rocky, noong magkasama na kayong tatlo, saan kayo nagpunta?

A

Nasundo namin si Beth.

Q

Noong nasundo na ninyo si Beth, saan kayo nagpunta?

A

Sa bahay nila.

Q

Kaninong bahay?

A

Hindi ko alam.

Q

Malayo ba sa McDonald o malapit. Sinabi mo kanina, nagpunta kayo sa bahay nila?

A

Yes.

Q

Iyong bahay na pinuntahan ninyo, malayo sa McDonald?.

A

Malayo

Q

Anong sinakyan ninyo?

A

Hindi ko alam.

Q

Noong dumating kayo doon sa bahay na hindi ninyo, bahay, natulog ka ba doon?

A

Yes.

Q

Ilang beses ka natulog doon?

A

4 sleeps.

Q

Pinakakain ka ba sa bahay na pinuntahan ninyo?

A

Yes.

Q

Ano ang pinakakain sa iyo?

A

Champorado and fish.

Q

Sino ang nagpapakain sa iyo?

A

Vangie.

Q

Sino si Vangie. Puede mo bang ituro sa amin?

PROS. FONACIER

The witness is pointing to accused Evangeline Padayhag as the Vangie he was referring to.

Q

Doon sa 4 sleeps mo sa bahay na iyon, saan ka pa nila dinala?

A

Pinauwi na ako.

Q

Sinong kasama mo noong pinauwi ka?

A

Wala, pero mula sa McDonald, naiwan na ako sa tricycle hanggang sa bahay.[13]

Unshaken by rigorous cross-examination, Rocky's testimony would have been more than enough to convict Castillo. The testimony of a single witness, if credible and positive, is sufficient to convict.[14] But there is more. The evidence on record amply supports the factual findings of the trial court. Both the evidence of the prosecution and the defense establish the commission of the crime.

Castillo admitted she instructed Padayhag to fetch Rocky on 1 March 1995:

Q

And as a result of sitting at the palaruan, Miss witness, what happened next?

A

Pinasundo ko si Rocky kay Vangie, mam.

Q

And why did you ask Vangie to fetch Rocky, Miss witness?

A

Kasi po naalala ko pagnamamalengke ako at kasama ko si Rocky, lagi po kaming pumupunta sa palaruan, mam

Q

And then what happened next, Miss witness?

A

Sinundo po ni Vangie si Rocky, mam.

Q

Whom did Vangie fetch, Miss witness?

A

Si Rocky po, mam.

Q

And after Rocky fetched by Vangie, what happened next?

A

Ipinasyal po namin si Rocky, mam.[15] (Emphasis supplied)

She also testified that she had no permission from Rocky's parents to take the child with her:

T Saan kayo nananghalian?

S Doon po sa bahay ng kapatid ko.

T Noong dumating kayo doon, ano naman ang sinabi ng kapatid mo sayo?

S Ang sabi niya, bakit daw may kasama kaming bata.

T Ano naman ang naging sagot mo kay Imelda?

S Sabi ko pinasyal lang po namin.

T Hindi tinanong ni Imelda kung bakit pinasyal nyo ang bata, kung may paalam yong bata doon sa kanyang magulang?

S Tinanong po.

T Ano naman ang sinabi mo sa kanya?

S Sinabi ko gusto ko lang makita si Rocky.

T Pero, ano ang sinabi mo noong tinanong kung may paalam ang bata sa kanyang magulang, anong naging sagot mo sa katanungan niya?

S Ang sabi niya baka daw pagalitan kami.

T Ano naman ang naging sagot mo?

Your Honor, may we asked (sic) the witness to be more responsive with her answer.

COURT

What was the question, please?

Stenographer:

(Reading back the question)

T Noong tinanong ni Imelda kung may paalam ang bata sa mga magulang, ano ang sagot mo?

S Ang sabi ko po hindi, walang paalam.

T Ano ang naging reaction ng iyong kapatid na si Imelda?

S Bakit daw hindi nagpaalam.[16] (Emphasis supplied)

Castillo testified that, during the period of Rocky's detention she called Rocky's father, Mr. Cebrero, to wit:

Q

What happened next Miss witness?

A

Tinawagan ko po ang mga Cebrero.

Q

Who of the Cebreros did you call up?

A

Si Luis Cebrero po, mam.

Q

What happened next after that?

A

Pagtawag ko po kay Mr. Luis Cebrero tinanong po niya sa akin kung nasaan si Rocky, mam.

Q

And what is your reply?

A

Sinabi ko po na nandidito sa amin, mam.

Q

After that what happened next?

A

Nagalit po si Luis Cebrero sa akin, mam.

Q

And what did you do when Luis Cebrero got angry?

A

Tinanong po niya ako kung magkano ang kailangan ko, mam.

Q

And what else did he say, Miss witness?

A

Sinabi po niya sa akin na huwag ko raw pong sasaktan si Rocky, mam.

Q

And then what else?

A

Pinipilit po niya ako na kung magkano daw ang kailangan namin na pera, pagkatapos hindi ko na po sinagot ang tanong niya, mam.

Q

And then what happened next?

A

Binaba ko na po iyong telepono, mam.[17] (Emphasis supplied)

The number and time of these calls coincided with the calls Mr. Cebrero received from Castillo telling him that she had Rocky and instructing him to pay the ransom for Rocky's release.

Additionally, Castillo by her own admission placed herself at the time and place where the "pay-off" occurred:

T

Sa pangatlong araw naman, nandoon ka pa rin ba at saka si Rocky?

S

Opo.

T

Sa bahay ni Imelda?

S

Nagpaalam po ako sa kapatid ko na maghahanap muna ako ng trabaho.

T

Si Vangie, saan naman siya noon?

S

Nandoon pa rin sa Dagat-dagatan po.

T

Si Rocky naman?

S

Andoon po sa bahay ng kapatid ko.

T

Mga anong oras yon na nagpaalam ka na maghanap ng trabaho?

S

Umaga po ako nagpaalam.

T

Kung ganoon umalis ka ng umagang yan?

S

Opo.

T

Saan ka naman pumunta?

S

Naghanap po ako ng trabaho.

T

Saan ka naghanap ng trabaho?

S

Sa may bandang Bulacan po.

T

Sa may Paco Obando, doon ka ba pumunta?

S

Hindi po.

T

Saang parte ka ng Bulacan pumunta?

S

Malapit po sa may – Hindi ko na po matandaan yong pinuntahan namin.

T

Malapit sa may?

S

Papunta na po ng Obando, pero hindi nakarating doon.

T

Saan ka pumunta doon para maghanap ka ng trabaho?

ATTY. SOLUREN

Already answered, Your Honor, that the place papunta ng Obando pero hindi pa nakakarating sa Obando.

STATE PROSECUTOR FONACIER

That is why I am asking.

COURT

What place is that? Witness may answer.

T

Anong detalyadong lugar?

S

Sa may Julo po.

T

Ano yong Julo?

S

Malapit po iyan sa Obando

COURT

Saang bayan ng Bulacan yon?

S

Yon lang po ang alam ko.[18] (Emphasis supplied)

Beyond a feeble excuse that she was in Obando in order to look for employment, Castillo provides no other plausible reason why her presence at that place, at such an opportune time should not be taken against her as additional evidence of her guilt. To attribute this to coincidence, as Castillo would probably have us do, taxes one's credulity.

The same can be said of her inability to explain how the ransom money was found in her possession when she was caught by policemen in Dipolog. Castillo plainly contradicts herself on this point. In Castillo's brief, she admitted going to the "pay-off" site on the day Mr. Cebrero was told to leave the ransom for Rocky's release. Castillo admitted she found at the site a black plastic bag filled with money and brought it home.[19] However in her testimony before the trial court, she maintained that the first time she saw the same plastic bag was when it mysteriously appeared in her luggage when she went to Dipolog:

Q

And thereafter, Miss witness, what happened next?

A

Hinanap ko iyong mga kagamitan ko po, mam.

Q

And for what purpose you looked at your things, Miss witness?

A

Para ayusin po iyong mga kagamitan ko para makapagpahinga na po ako, mam.

Q

What happened next, Miss witness?

A

May nakuha ako na isang plastic bag sa loob ng aking bag, mam.

Q

And what is this plastic bag about, Miss witness?

A

May laman po na pera, mam.

Q

And how much money was there in that plastic bag, Miss witness?

A

Hindi ko po alam.

Q

And what did you observe about the money in the plastic bag?

A

Nagulat po ako, mam.

Q

And why were you surprised?

A

Hindi ko po kasi lubos na maisip na ang bag na aking dala dala ay may laman na isang malaking halaga na pera, mam.

Q

And what did you do after learning that there was money inside your bag, Miss witness?

A

Pinabayaan ko na lang po at inaatay na may kumuha na lang po niyon sa akin mam.[20] (Emphasis supplied)

Castillo insists that she took Rocky simply because she missed him, and wanted to spend time with him. At the same time, in her brief Castillo claims that what spurred her to take Rocky was her desire to get her unpaid wages from the Cebreros.[21]

Castillo also points out that Rocky came along freely with them, was not harmed, and was even cared for during his detention. This argument is pointless. The essence of kidnapping is deprivation of liberty. For kidnapping to exist, it is not necessary that the offender kept the victim in an enclosure or treated him harshly.[22] Where the victim in a kidnapping case is a minor, it becomes even more irrelevant whether the offender forcibly restrained the victim. Leaving a child in a place from which he did not know the way home, even if he had the freedom to roam around the place of detention, would still amount to deprivation of liberty. For under such a situation, the child's freedom remains at the mercy and control of the abductor.

Next, Castillo explains that she called Mr. Cebrero not to ask for ransom but to tell him that Rocky was with her and unharmed. Castillo admitted that Mr. Cebrero pleaded with her not to harm Rocky. Castillo failed to explain, however, why she did not inform Mr. Cebrero of their exact whereabouts so that Mr. Cebrero could fetch Rocky. Her failure to inform Mr. Cebrero clearly shows she kept Rocky in detention considering she called Mr. Cebrero several times while she had physical control over Rocky.

Castillo's explanation that she decided to return Rocky only when he was no longer sick is also implausible. In the first place, she failed to explain why she did not return the child the moment she found out he was sick. That would have been the more prudent course of action at that time. However, one day after the "pay-off" on 4 March 1995, Rocky suddenly appeared by himself at the Cebreros' home on 5 March 1995. Any reasonable person would conclude that the pay-off and the return of the child were related events. Castillo would have us attribute this to coincidence.

Castillo would also have us believe that what prompted her sudden departure for Dipolog, where she was eventually captured, was her inability to find employment in Manila. And yet Castillo does not explain why she tried to bring Padayhag along with her to Dipolog.

Finally, Castillo points out that the prosecution coached Rocky's testimony. True, Rocky admitted he did not know the contents of the document he signed in front of the fiscal.[23] Rocky also stated that he was told to testify that Padayhag forced him to go with her, and finally, that he must accuse both appellants as his abductors.[24] These admissions, damaging as they may sound, are of little use to appellants. The reason is simple. The facts to which Rocky's testimony pertains to are the very same facts Castillo herself admitted on the witness stand. Even if we were to discredit Rocky's testimony entirely, the facts of his kidnapping stand proven by no less than Castillo's own admission on the witness stand and in her brief.

With the evidence Castillo's own testimony established, the prosecution's witnesses did little more than corroborate what Castillo herself had admitted. Since Castillo admitted in open court that she instructed Padayhag to fetch Rocky even without the parents' permission, we find her explanations futile. Her allegations of torture and of signing a sworn statement without counsel are useless. After claiming to have been tortured into making her sworn statement, logic would have it that Castillo should have debunked the contents of that statement through her testimony. Instead, she freely and voluntarily recounted events as she narrated them in her sworn statement. Moreover, there is no allegation that the trial court decided her guilt based on her sworn statement. The trial court based its decision on the testimonies of all the witnesses, including Castillo's.

In sum, the prosecution has established beyond reasonable doubt Castillo's guilt.

Appellant Padayhag's Liability

The same cannot be said of Padayhag. Our review of the evidence on record shows that the prosecution failed to prove Padayhag's guilt beyond reasonable doubt.

We reiterate the doctrine that an appeal in a criminal case opens the entire case for review on any question including those not raised by the parties.[25] This becomes even more imperative in cases where the penalty imposed is death.

Padayhag's sole involvement in this entire episode is her act of fetching Rocky and bringing him to where Castillo was waiting for them. Padayhag then went strolling with the two, went to the house of Castillo's sister together with Castillo and Rocky, and then later left the house. From this fact alone, the prosecution would have us rule that Padayhag acted in conspiracy with Castillo. The prosecution contends that without Padayhag's help, Castillo could not have abducted Rocky.

We are not persuaded.

There must be positive and conclusive evidence that Padayhag acted in concert with Castillo to commit the same criminal act. To hold an accused guilty as a co-principal by conspiracy, there must be a sufficient and unbroken chain of events that directly and definitely links the accused to the commission of the crime without any space for baseless suppositions or frenzied theories to filter through.[26] Indeed, conspiracy must be proven as clearly as the commission of the crime itself.[27]

Conspiracy is established by the presence of two factors: (1) singularity of intent; and (2) unity in execution of an unlawful objective. The two must concur. Performance of an act that contributes to the goal of another is not enough. The act must be motivated by the same unlawful intent. Neither joint nor simultaneous action is per se sufficient indicium of conspiracy, unless proved to have been motivated by a common design.[28]

Padayhag's act of fetching Rocky is not conclusive proof of her complicity with Castillo's plan, a plan Padayhag did not even know. Both appellants testified that Padayhag met Castillo only because Castillo told Padayhag that Padayhag's boyfriend was sick. It was precisely on the pretext that they were to visit Padayhag's boyfriend that the two met. When they met, Padayhag realized that Castillo had deceived her:

Q

Why? (sic) Elizabeth Castillo fetched you on February 28, 1995 and why did you decide to leave your employment?

A

Kasi sabi po niya sa akin ang boyfriend ko raw ay maysakit, sir.

Q

And could you tell us who is that boyfriend of yours?

A

Si Jessie Mercader po, sir.

Q

And what is the address of Jessie Mercader, at that time, February 28, 1995?

A

Sa Caloocan City po, sir.

Q

And you said he was sick. What was his sickness?

ATTY. SOLUREN

Your Honor, that is misleading.

COURT

Reform your question.

Q

Madam witness, you said that you were informed that your boyfriend was sick. Did you go and see your boyfriend?

A

Sumama po ako kay Elizabeth Castillo pero hindi na po kami natuloy pumunta doon, sir.

Q

For what reason you did not go?

A

Hindi po sinabi sa akin ni Elizabeth Castillo, sir.

Q

So, you did not come to find out what was the sickness of your boyfriend?

A

Hindi na po sir.

Q

Are we made to understand, madam witness, when you left your employer on 28 February 1995 for the reason that your boyfriend was sick, you did not actually go and see your boyfriend?

A

Opo, sir.[29]

After the two spent the day together, Castillo beseeched Padayhag to fetch Rocky citing as reason her love for the child and a desire to spend time with the boy. Padayhag is a young lass from the province who only finished Grade Two. Padayhag was thus easily misled by the more worldly Castillo. Padayhag's testimony reveals her naiveté:

COURT

Q

Ano ang sinabi sa iyo bakit mo susunduin ang bata?

A

Namimiss na raw po niya iyong bata at nais niyang makita, Your Honor.

COURT

Tapos ikaw ang pinasundo niya doon sa bata?

A

Opo, Your Honor.

COURT

Tapos noon dalhin sa Caloocan, ano pa, sinabi pa rin niya namimiss niya ang bata ganoon uli ang sinabi niya sa iyo?

A

Wala na po siyang sinabi sa akin, Your Honor.

COURT

Hindi ka ba nakahalata na may mali doon sa pangyayaring iyon?

A

Ang pagkakaalam ko po ay ipapasyal lamang niya ang bata, Your Honor.

Q

Sa Caloocan?

A

Opo, Your Honor.

COURT

Tapos umalis ka na pagkatapos ninyong kumain doon ng kapatid niya?

A

Opo, Your Honor.

COURT

Ipinasyal ba niya ang bata?

A

Hindi ko na po alam kasi umalis nga po pagkatapos namin kumain, Your Honor.

COURT

Kailan niya sinabi sa iyo na ibabalik ang bata?

A

Wala po siyang sinabi kung kailan, Your Honor.

COURT

Ganoon ba ang alam mo sa pamamasyal?

A

Siya naman po ang nagyaya, Your Honor.[30]

Her ignorance and susceptibility to confusion becomes more evident in the following exchange:

COURT

Kailan ka ba umalis kay Mr. Julito Luwagon?

A

Hindi ko pa matandaan, Your Honor.

COURT

Pero sabi mo kanina ay pitong buwan ka doon?

A

Opo pitong buwan ako roon pero hindi ko po matandaan kung anong buwan, Your Honor.

ATTY. SOLUREN

She only finished Grade II, Your Honor.

COURT

Yes I know it but she would know that she works for seven (7) months. Alam mo ba na December 1994 ka nagsimula mangamuhan kay Julito Luwagon?

A

Opo, Your Honor.

COURT

Enero, Pebrero, Marso, Abril, Mayo, Hunyo at Hulyo tama ba iyon?

A

Opo, Your Honor.

COURT

Papaano nangyari noong Enero 1995 ikaw ay nagtrabaho na kay Lulu Sablan?

A

Itinuro po sa akin ni Elizabeth Castillo na mag-apply ng trabaho sa may BF Homes, Your Honor.

COURT

Kailan kayo nagkita nitong si Elizabeth Castillo?

A

Noong January lang po, Your Honor.

COURT

Saan kayo nagkita?

A

Pinaalis niya po ako doon sa pinagtrabahuan ko sa may Dagat Dagatan, Your Honor.

COURT

Alam mo ba kung ilang buwan mayroon ang isang taon?

A

Hindi ko po alam, Your Honor.

COURT

Pero alam mo ang mga buwan, Enero, Pebrero.. alam mo iyon?

A

Opo, Your Honor.

COURT

Sige nga sabihin mo nga sa akin kung anu-ano ang mga buwan?

A

Enero, Pebrero, Marso, Abril, Mayo, Hunyo, Hulyo, Agosto, Setyembre, Oktubre, Nobyembre at Disyembre po, Your Honor.[31]

Padayhag's confusion in the way she answered the questions propounded to her only highlights the fact that she was not aware of Castillo's plans and was vulnerable to the latter's manipulation. Her straightforward and wide-eyed admission of facts that incriminate her demonstrate a level of honesty that can only be found in those who do not know the art of deceit. Far from a cold and calculating mind, Padayhag strikes us as one whose innocence often leaves her at the mercy of her more worldly peers. It is clear that she acted with the full belief that Castillo was doing nothing wrong. Whatever moved her to do what Castillo asked of her is up for speculation.

What matters is that her motivation in fetching Rocky was not to kidnap the boy. To impose criminal liability, the law requires that there be intentional participation in the criminal act,[32] not the unwitting cooperation of a deceived individual.

In its brief the prosecution itself cites that any inquiry as to the liability of an individual as a conspirator should focus on all acts before, during and after the commission of the crime.[33] We have done precisely that, and it is precisely why we rule for her innocence. After her stroll with Castillo and Rocky, she left when Castillo brought the boy to her sister's house in Caloocan.[34] She never visited nor contacted Castillo afterwards. She remained at her house and refused to go with Castillo when the latter suddenly tried to coax her to go to Dipolog. None of the money used as ransom was found in her possession. Her involvement in the "pay-off" was never established. The testimony of two prosecution witnesses, Sgt. De Lena and Sgt. Iglesias, claiming that Padayhag was with Castillo when the latter picked up the ransom in Obando, is contradicted by Castillo's admission in open court that she brought along a certain "Mila" and not Padayhag.[35] In addition, the testimonies of these two police officers suffer from their failure to explain how they suddenly lost track of the two women who took the ransom in front of their very eyes.

All these circumstances illustrate the absence of any hint of conspiracy. We also find that the prosecution failed to prove Padayhag's guilt beyond reasonable doubt. In *People v. Gonzales*[36] we held:

In the absence of conspiracy, if the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty and is not sufficient to support a conviction.

Every person accused has the right to be presumed innocent until the contrary is proven beyond reasonable doubt. The presumption of innocence stands as a fundamental principle of both constitutional and criminal law.[37] Thus, the prosecution has the burden of proving every single fact establishing guilt.[38] Every vestige of doubt having a rational basis must be removed.[39] The defense of the accused, even if weak, is no reason to convict.[40] Within this framework, the prosecution must prove its case beyond any hint of uncertainty. The defense need not even speak at all. The presumption of innocence is more than sufficient.

The failure to prove Padayhag's involvement as a conspirator reveals how tenuous the evidence is linking her to the crime. Padayhag's culpability hinges on how her act of fetching Rocky and bringing him to Castillo formed part of a concerted effort to kidnap the child. The act of fetching the boy, by itself, does not constitute a criminal offense. By itself, it is not even sufficient to make her an accomplice. For a person to be considered an accomplice there must be a community of design, that is, knowing the criminal design of the principal, the co-accused concurs with the latter. Mere commission of an act which aids the perpetrator is not enough. As we explained in *People v. Cual*:[41]

The cooperation that the law punishes is the assistance knowingly rendered, which cannot exist without the previous cognizance of the criminal act intended to be executed. It is therefore required in order to be liable as an accomplice, that the accused must unite with the criminal design of the principal by direct participation.

There was therefore a need for clear and convincing proof that this single act was committed to kidnap the child. The prosecution failed to prove this. Padayhag explained that Castillo coaxed her into fetching Rocky through another deception and by playing on her feelings of sympathy and friendship. Castillo corroborated this on the witness stand. The prosecution failed to prove otherwise.

The facts as established show that the only thing Castillo told Padayhag was to fetch Rocky because Castillo missed her former ward. Upon reaching the house of the Cebros, the boy's nanny handed over to Padayhag the child. There is no allegation or evidence that Padayhag knew the criminal plan of Castillo. Neither is there any

hint that Castillo told Padayhag to abduct the boy, or to misrepresent herself or use means that would have led Padayhag to suspect that Castillo had some criminal design. Nor was there any proof that Padayhag knew that Castillo had no permission from the boy's parents. The appearance of the boy itself, newly bathed and dressed for a stroll, would have led Padayhag to believe whatever story Castillo contrived to ask her in fetching the boy.

A criminal conviction must stand on the strength of the evidence presented by the prosecution, and not on the weakness of the defense of the accused. The prosecution should have done more to establish Padayhag's guilt. Instead, the prosecution left a lot of room for other possible scenarios besides her guilt. This is a fatal error. The presumption of innocence imposes a rule of evidence, a degree of proof that demands no less than total compliance. As we explained in *United States v. Reyes*:^[42]

The presumption of innocence can be overborne only by proof of guilt beyond reasonable doubt, which means proof, to the satisfaction of the court and keeping in mind the presumption of innocence, as precludes every reasonable hypothesis except that which it is given to support. It is not sufficient for the proof to establish a probability, even though strong, that the fact charged is more likely true than the contrary. It must establish the truth of the fact to a reasonable and moral certainty- a certainty that convinces and satisfies the reason and conscience of those who are to act upon it. (Emphasis supplied)

On the other hand, we find Padayhag's explanation sufficiently supported by circumstances aside from Castillo's testimony. Padayhag's acts before, during and after the crime all point to the conclusion that she was no more than an unwitting tool of Castillo. Castillo misled her into a meeting. Castillo again misled her into fetching Rocky. Castillo never met or contacted her after the day of Rocky's abduction. Castillo also testified that she did not bring Padayhag along with her when she went to Obando on the day that coincided with the "pay-off." The only circumstance linking Padayhag to that event is the shaky account of two police officers who admitted that their quarry inexplicably disappeared before their very eyes. Even the presumption of regularity in the performance of official duty, by itself, cannot prevail over the constitutional presumption of innocence.^[43] Nothing links Padayhag to the demand for ransom. She never received any part of the ransom, precisely because she did not even know it existed.

Penalty and Damages

Under Article 267 of the Revised Penal Code,^[44] the penalty of death is imposed upon proof that the kidnapping was committed to extort ransom from the victim or any other person. We find that the prosecution has established Castillo's guilt for this crime beyond reasonable doubt. However, Castillo's pecuniary liability must be modified to conform with jurisprudence. The award of exemplary damages must be deleted in the absence of any aggravating circumstance. Mr. Cebrero testified that their family suffered serious anxiety at the possibility of not seeing Rocky again.^[45] The pain and anguish they experienced justifies the award of moral damages. However, we reduce the trial court's award of moral damages to P100,000 in line with current jurisprudence.^[46]

WHEREFORE, the Decision of the Regional Trial Court of Parañaque, Branch 260, National Capital Judicial Region, in Criminal Case No. 95-86 convicting appellant Elizabeth Castillo is **AFFIRMED** with **MODIFICATION**. Appellant Elizabeth Castillo is sentenced to suffer the penalty of **DEATH** and to pay the victim P100,000 as moral damages. The award for exemplary damages is deleted for lack of legal basis. The trial court's Decision convicting appellant Evangeline Padayhag is **REVERSED**. We **ACQUIT** Evangeline Padayhag and order her immediate **RELEASE** from confinement unless held for another lawful cause. The Director of the Bureau of Corrections is ordered to report to the Court, within five days from notice, compliance with this Decision.

In accordance with Article 83 of the Revised Penal Code, as amended by Section 25 of Republic Act No. 7659,

upon finality of this decision, let certified true copies of the records of this case be forwarded to the President of the Philippines for the possible exercise of the pardoning power.

SO ORDERED.

Davide, Jr., C.J., Vitug, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.
Puno, J., on leave.
Panganiban, J., on official leave.

[1] Penned by Judge Helen Bautista-Ricafort.

[2] Defined and penalized under Article 267 of the Revised Penal Code, as amended by Section 8 of Republic Act No. 7659.

[3] Rollo, pp. 10-11.

[4] Rollo, p. 131.

[5] Rollo, p. 67.

[6] Ibid., p. 30.

[7] Ibid., p. 72.

[8] As amended by Republic Act No. 7659.

[9] *People v. Villamar*, 358 Phil. 886 (1998).

[10] Rollo, p. 82.

[11] *People v. Kamad Akiran*, 124 Phil. 749 (1966).

[12] *People v. Empante*, 365 Phil. 708 (1999).

[13] TSN, 3 August 1995, pp. 12-15.

[14] *People v. Albarido*, 420 Phil. 235 (2001).

[15] TSN, 6 May 1997, pp. 1183-1184.

[16] TSN, 20 May 1997, pp. 1259-1261.

[17] TSN, 6 May 1997, pp. 1186-1187.

[18] TSN, 20 May 1997, pp. 1265-1270.

[19] Rollo, p. 77.

[20] TSN, 6 May 1997, pp. 1197-1198.

[21] Rollo, p. 82.

[22] *People v. Ramos*, 358 Phil. 261 (1998).

[23] TSN, 3 August 1995, p. 21.

- [24] Ibid.
- [25] *People v. Mataro*, G.R. No. 130378, 8 March 2001, 354 SCRA 27.
- [26] *People v. Melencion*, G.R. No. 121902, 26 March 2001, 355 SCRA 113.
- [27] *People v. Mationg*, G.R. No. 137989, 27 March 2001, 355 SCRA 458.
- [28] *People v. Tilos*, G.R. No. 138385, 16 January 2001, 349 SCRA 281.
- [29] TSN, 11 March 1997, pp. 1138-1139.
- [30] Ibid., pp. 1154-1155.
- [31] Ibid., pp. 1149-1150.
- [32] *People v. Izon*, 104 Phil. 690 (1958).
- [33] *People v. Piandong*, G.R. No. 118140, 19 February 1997, 268 SCRA 555.
- [34] TSN, 5 May 1997, p. 35.
- [35] TSN, 20 May 1997, pp. 40-41.
- [36] G.R. No. 128282, 30 April 2001, 357 SCRA 460.
- [37] Section 14 (2), Article III, 1987 Constitution; Section 1 (a), Rule 115, Rules of Court.
- [38] *People v. Joven*, G.R. No. L-36022, 22 May 1975, 64 SCRA 126.
- [39] *People v. Capilitan*, G.R. No. 73382, 15 February 1990, 182 SCRA 313.
- [40] *People v. Ortiz*, G.R. No. 111713, 27 January 1997, 266 SCRA 641.
- [41] 384 Phil. 361 (2000).
- [42] 3 Phil. 6 (1903).
- [43] *People v. Timtiman*, G.R. No. 101663, 4 November 1992, 215 SCRA 364.
- [44] *Supra*, note 8.
- [45] TSN, 12 September 1995, pp. 598-601.
- [46] *People v. Borromeo*, 380 Phil. 523 (2000).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.