

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ERNESTO UYBOCO Y RAMOS, DEFENDANT-APPELLANT.

G.R. No. 178039. January 19, 2011

Ponente: PEREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-178039/>

PEREZ, J.:

Subject of this appeal is the 27 September 2006 Decision[1] promulgated by the Court of Appeals, affirming the Regional Trial Court's (RTC) Judgment[2] in Criminal Case Nos. 93-130980, 93-132606, and 93-132607, finding Ernesto Uybocho y Ramos (appellant) guilty of three (3) counts of kidnapping for ransom.

Appellant, along with now deceased Colonel Wilfredo Macias (Macias) and several John Does were charged in three separate Informations, which read as follow:

In Criminal Case No. 93-130980:

That in the morning of December 20, 1993 and for sometime subsequent thereto in Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously kidnap, carry away and detain the minor, JESON KEVIN DICHAVES, five (5) years old, against his will and consent, thus depriving him of his liberty, for the purpose of extorting ransom for his release, which after payment thereof in the amount of P1,320,000.00 in cash and P175,000.00 worth of assorted jewelry, including a Colt .45 Caliber Pistol with SN 14836 or a total of ONE MILLION FIVE HUNDRED THOUSAND PESOS (P1,500,000.00) was divided by said accused between and/or among themselves to the damage and prejudice of the aforementioned victim/or his parents.[3]

In Criminal Case No. 93-132606:

That in the morning of December 20, 1993 and for sometime subsequent thereto in Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously kidnap, carry away and detain the minor, JESON KIRBY DICHAVES, two (2) years old, against his will and consent, thus depriving him of his liberty, for the purpose of extorting ransom for his release, which after payment thereof in the amount of P1,320,000.00 in cash and P175,000.00 worth of assorted jewelry, including a Colt .45 Caliber Pistol with SN 14836 or a total of ONE MILLION FIVE HUNDRED THOUSAND PESOS (P1,500,000.00) was divided by said accused between and/or among themselves to the damage and prejudice of the aforementioned victim/or his parents.[4]

In Criminal Case No. 93-132607:

That in the morning of December 20, 1993 and for sometime subsequent thereto in Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously kidnap, carry away and detain NIMFA CELIZ, against her will and consent, thus depriving her of liberty, for the purpose of extorting ransom for her release, which after payment thereof in the amount of P1,320,000.00 in cash and P175,000.00 worth of

assorted jewelry, including a Colt .45 Caliber Pistol with SN 14836 or a total of ONE MILLION FIVE HUNDRED THOUSAND PESOS (P1,500,000.00) was divided by said accused between and/or among themselves to the damage and prejudice of the aforementioned victim.[5]

The arraignment was held in abeyance twice.[6] Finally, the arraignment was set on 22 October 1996. Appellant and Macias, with the assistance of their counsels, however refused to enter a plea. This prompted the RTC to enter a plea of "Not Guilty" for each of them. Trial on the merits ensued.

The prosecution presented the following witnesses: Nimfa Celiz (Nimfa), Jepson Dichaves (Jepson), Police Superintendent Gilbert Cruz (P/Supt. Cruz), Police Superintendent Mario Chan (P/Supt. Chan), Police Inspector Cesar Escandor (P/Insp. Escandor) and Carolina Alejo, whose version of facts are summarized as follows:

At around 10:30 a.m. on 20 December 1993, Nimfa and her wards, siblings Jeson Kevin and Jeson Kirby Dichaves were riding in the Isuzu car of the Dichaves family, together with Yusan Dichaves (Yusan). Driver Pepito Acon (Acon) dropped off Yusan at Metrobank in Claro M. Recto Avenue, Manila. While waiting for Yusan, Acon drove along Bilibid Viejo, Sampaloc. When the vehicle passed by in front of San Sebastian Church, a stainless jeep with two men and one woman described as a tomboy on board, suddenly blocked its way. One of the men, who was in police uniform accosted Acon and accused him of hitting the son of a Presidential Security Group (PSG) General apparently with a stone when the vehicle ran over it. Acon denied the charges but he was transferred to the stainless jeep while the man in police uniform drove the Isuzu car. The tomboy sat next to Nimfa who then had Jeson Kirby sit on her lap while Jeson Kevin was sitting on the tomboy's lap. They were brought to a house in Merville Subdivision, Parañaque.[7]

While still in garage of the house, Nimfa was able to sneak out of the car and place a call to the secretary of her employer to inform the latter that they were in Merville Subdivision. She came back to the car undetected and after a while, she and her wards were asked to alight from the car and they were locked inside the comfort room.[8]

Jepson was at his office at 10:00 a.m. of 20 December 1993. He received a call from his wife asking him if Nimfa or Acon called up, as she had been waiting for them at Metrobank where she was dropped off earlier. After 15 minutes, Yusan called again and was already hysterical because she could not find the car when she roamed around the area. Jepson immediately called up his brother Jaime and some police officers to inform them that his sons were missing. When Jepson arrived at Metrobank at around 11:30 a.m., he received a call from his secretary informing him that Nimfa called about their whereabouts. When Jepson got back to his office, his secretary informed him that an unidentified man called to inform them that he has custody of the children and demanded P26 Million.[9]

Meanwhile in Merville Subdivision, the man in police uniform introduced himself to Nimfa as Sarge. He asked Nimfa for information regarding her name and her employer's telephone number. She feigned ignorance of those information. She even claimed that she was merely a new employee.[10] Sarge informed Nimfa that they were in Fairview and that she was asked if she knew how to go home. Nimfa chose to stay with her wards. When the phone rang, Sarge went out of the house and Nimfa again sneaked a phone call to her employer informing them that they were being held up in Merville Subdivision.[11]

Jepson, through Jaime's help, went to the house of then Vice-President Joseph Estrada (Vice-President Estrada) at 8:00 p.m. Thereat, he met General Jewel Canson (Gen. Canson), General Panfilo Lacson (Gen. Lacson) and Major Ray Aquino (Major Aquino). Vice-President Estrada ordered the police generals to rescue Jepson's sons and arrest the kidnappers.[12]

At 6:00 p.m., the kidnappers called Jepson and reduced the ransom to P10 Million.[13] That night, Nimfa was

able to speak to Jepson when two men handed the telephone to her. She recognized one of them as appellant, because she had seen the latter in her employer's office sometime in the first week of December 1993.[14]

On the following noon of 21 December 1993, the kidnappers called up Jepson numerous times to negotiate for the ransom. In one of those calls, Jepson was able to recognize the voice of appellant because he had several business transactions with the latter and they have talked for at least a hundred times during a span of two to four years.[15]

On 22 December 1993, the parties finally agreed to a ransom of P1.5 Million. Jepson offered P1.3 Million in cash and the balance to be paid in kind, such as jewelry and a pistol.[16] Appellant asked Jepson to bring the ransom alone at Pancake House in Magallanes Commercial Center. Jepson called up Gen. Canson and Gen. Lacson to inform them of the pay-off.[17]

At around 1:00 p.m. of even date, Nimfa was able to talk to Jepson and the latter informed her that they would be released that afternoon.[18] At 3:00 p.m., Jepson drove his white Toyota Corolla car and proceeded to Pancake House in Magallanes Commercial Center. He placed the money inside a gray bag and put it on the backseat. Jepson received a call from appellant at 4:00 p.m. who ordered him to put the bag in the trunk, leave the trunk unlocked, and walk away for ten (10) minutes without turning back. Later, appellant checked on his trunk and the bag was already gone. Appellant then apprised him that his sons and helper were already at the Shell Gasoline Station along South Luzon Expressway. He immediately went to the place and found his sons and helper seated at the corner of the gas station.[19]

P/Insp. Escandor was assigned to proceed to Magallanes Commercial Center, together with two other police officers. They reached the place at 3:30 p.m. and positioned themselves in front of the Maranao Arcade located at Magallanes Commercial Center. He brought a camera to cover the supposed pay-off. He took a total of 24 shots.[20] He identified Macias together with appellant in Magallanes Commercial Center and the latter as the one who took the ransom.[21]

P/Supt. Chan was one of the team leaders dispatched also at Magallanes Commercial Center in Makati on 22 December 1993 to take a video coverage on the supposed pay-off. He witnessed the pay-off and identified appellant as the one who took the bag containing the ransom money from the car trunk of Jepson.[22]

P/Supt. Cruz is assigned to the now defunct Presidential Anti-Crime Commission Task Force Habagat and one of the team leaders of Special Project Task Force organized on 22 December 1993 with the primary task of apprehending the kidnappers of Dichaves' children and helper. His group was assigned at Fort Bonifacio to await instructions from the overall Field Command Officer Gen. Lacson. They had been waiting from 4:00 p.m. until 6:00 p.m. when they received information that the kidnap victims were released unharmed. They were further asked to maintain their position in Fort Bonifacio. At around 7:45 p.m., they heard on their radio that the suspect's vehicle, a red Nissan Sentra was heading in their direction. A few minutes later, they saw the red car and tailed it until it reached Dasmariñas Village in Makati. They continuously followed the car inside the village. When said car slowed down, they blocked it and immediately approached the vehicle.[23]

They introduced themselves as police officers and accosted the suspect, who turned out to be appellant. Appellant suddenly pulled a .38 caliber revolver and a scuffle took place. They managed to subdue appellant and handcuffed him. Appellant was requested to open the compartment and a gray bag was found inside. P/Supt. Cruz saw money, jewelry and a gun inside the bag. Appellant was then brought to Camp Crame for questioning.[24]

At 8:00 p.m., Jepson received a call from Gen. Lacson asking him to go to Camp Crame. He and Nimfa went to Camp Crame where he saw appellant alone in the office of Gen. Canson. He then saw the bag containing the

ransom money, pieces of jewelry and his gun on the table. Photographs were taken and Jepson was asked to identify them.[25]

A written inventory was prepared on the contents of the bag.[26] It was found out that a portion of the ransom money was missing. It was then that appellant revealed that the missing money was in the possession of Macias. Appellant accompanied P/Supt. Cruz and his team to the residence of Macias in Camp Aguinaldo. P/Supt. Cruz waited for Macias until 4:00 a.m. on the following day and placed him under arrest. Macias was asked where the rest of the ransom money was and Macias went inside the house and retrieved a red bag inside a small cabinet. P/Supt. Cruz prepared a receipt of the seized property from Macias. Macias placed his signature on the receipt.[27]

Carolina Alejo was the owner of the house in Merville Subdivision where the kidnap victims were detained. She stated that she leased the house to appellant. On 23 December 1993, it came to her knowledge that said house was used in the kidnapping. She noticed that the lock of the comfort room was reversed so that it could only be locked from the outside. She considered this unusual because she personally caused the door knob to be installed.[28]

The defense, on its part, presented appellant, Florinda Sese Barcelona (Ms. Sese), Dr. Jaime Leal (Dr. Leal), and retired Colonel Ramon Navarro (Col. Navarro).

Appellant testified that he came to know Jepson when he was introduced to him by Col. Navarro in 1989 as the importer of police equipment and accessories. Jepson wanted to buy revolving lights, police sirens and paging system. Through Navarro, appellant also met Macias who was then selling his security agency in July 1993. He admitted that Jepson had been lending him money since 1990 and his total borrowings amounted to P8.5 Million in December 1993. Appellant also knew Nimfa since 1990 and had met her five (5) times in the office of Jepson where Nimfa usually served him coffee.[29]

In December 1993, he rented a house in Merville Subdivision for his mother. He was given the key to the house in 15 December 1993 but he denied going to said place on 20, 21, 22, 23 of December 1993.

At 3:00 p.m. of 20 December 1993, he received a call from Jepson asking for P1 Million, as partial payment of his loan. Jepson informed appellant that his sons were kidnapped and he requested appellant to negotiate with the kidnappers for the release of his children. Out of pity, appellant agreed. He actively participated in the negotiations between 20 to 22 of December 1993, where he successfully negotiated a lower ransom of P1.5 Million.

On 11:30 a.m. of 22 December 1993, Jepson again requested appellant to deliver the ransom money to the kidnappers. Appellant acceded to the request. He asked Macias, who was in his office that day, to accompany him. The kidnappers asked appellant to proceed to the Makati area and wait for further instructions. Appellant called up Jepson who told him that he would deliver the money to appellant once instructions were given by the kidnappers. The kidnappers finally called and asked appellant to proceed to Shell Gasoline Station-Magallanes. He informed Jepson of this fact and the latter asked appellant to meet him in Magallanes Commercial Center where he would just put the money inside the car trunk and leave it unlocked. Appellant took the money from Jepson's car and put it inside his car trunk and proceeded to Shell Gasoline station.[30] Appellant and Macias did not see the kidnappers and Jepson's children at the station. He tried calling Jepson but failed to communicate with him. They then decided to go back to the office in Cubao, Quezon City. At 7:00 p.m., he received a call from the kidnappers who were cursing him because they apparently went to the Shell Gasoline Station and noticed that there were many policemen stationed in the area, which prompted them to release the victims. Appellant left his office at around 7:20 p.m. to go home in Dasmariñas Village, Makati. When he was about ten (10) meters away from the gate of his house, a car blocked his path. He saw P/Supt. Cruz, a certain Lt. Rodica and two other men

alight from the car and were heavily armed. They pulled him out of the car and hit him with their firearms.[31]

Ms. Sese was at the office of appellant on 22 December 1993 when she was told by the secretary, who appeared shaken, that a caller was looking for appellant. She saw appellant arrive at the office with Macias.[32]

Dr. Leal, the medico-legal officer at Philippine National Police (PNP) Crime Laboratory, presented the medico-legal certificate of appellant and testified that the injuries of appellant could have been sustained during the scuffle.[33]

Col. Navarro introduced appellant to Jepson. He was privy to the loan transactions between appellant and Jepson where the former asked loans from the latter. He even served as guarantor of some of the obligations of appellant. When the checks issued by appellant were dishonored by the bank, Jepson filed a case against Navarro for violation of Batas Pambansa Blg. 22, wherein the latter was eventually acquitted.[34]

While the criminal cases were undergoing trial, Macias died. Consequently, his criminal liability is totally extinguished under Article 89, paragraph 1 of the Revised Penal Code.[35]

On 30 August 2002, the RTC rendered judgment finding appellant guilty beyond reasonable doubt of the crime of kidnapping for ransom. The dispositive portion reads:

WHEREFORE, premises considered herein accused Ernesto Ramos Uyboco is hereby found guilty beyond reasonable doubt of the crime of Kidnapping for Ransom penalized by Article 267 of the Revised Penal Code, as amended by R.A. 1084. He is hereby ordered to suffer the prison term of reclusion perpetua for three (3) counts together with the accessory penalties provided by law. He should pay private complainant Jepson Dichaves the amount of P150,000.00 as moral damages.

The above-described .45 Caliber Colt Pistol and 12-gauge Remington shotgun as well as the Nissan Sentra 4-Door Sedan are hereby confiscated in favor of the government.

The Warden of Metro Manila Rehabilitation Center, Camp Ricardo R. Papa, Bicutan, Taguig, Metro Manila is hereby ordered to immediately transfer the said accused to the Bureau of Corrections, National Bilibid Prison, Muntinlupa City. The Jail Director of said bureau is ordered to inform this court in writing soonest as to when the said official took custody of the accused.[36]

The trial court held that the prosecution had established with the required quantum of evidence that the elements of kidnapping for ransom were present and that appellant was the author of said crime.

Appellant filed a notice of appeal to the Supreme Court. Conformably to *People v. Mateo*,[37] this Court in a Resolution dated 6 September 2004, referred the case to the Court of Appeals for appropriate action and disposition.[38]

On 27 September 2006, the Court of Appeals affirmed in toto the Decision of the RTC, the dispositive portion of which reads:

WHEREFORE, the August 30, 2002 Decision of the Regional Trial Court, national Capital Judicial Region, Br. 18, Manila, in Criminal Cases Nos. 93-130980, 93-132606, and 93-132607, in convicting Ernesto Uyboco of three (3) counts of Kidnapping for Ransom is hereby AFFIRMED in toto. No costs.[39]

A motion for reconsideration was filed by appellant but the same was denied in a Resolution dated 22 December 2006. Hence, this appeal.

On 3 September 2007, this Court required the parties to file their respective supplemental briefs. On 25 October 2007, appellant's counsel filed a withdrawal of appearance. Appellee manifested that it is no longer filing a Supplemental Brief.[40] Meanwhile, this Court appointed the Public Attorney's Office as counsel de oficio for

appellant. Appellee also filed a manifestation that it is merely adopting all the arguments in the appellant's brief submitted before the Court of Appeals.[41]

Appellant prays for a reversal of his conviction on three (3) counts of kidnapping for ransom based on the following assignment of errors:

- THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE DISTURBING WHISPERS OF DOUBT REplete IN THE PROSECUTION'S THEORY.
- THE TRIAL COURT ERRED IN GIVING CREDENCE TO NIMFA CELIZ' TESTIMONY NOTWITHSTANDING THE INCREDIBILITY OF HER STORY.
- THE TRIAL COURT ERRED IN PRESUMING REGULARITY IN THE PERFORMANCE OF OFFICIAL FUNCTIONS OVER THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE OF THE ACCUSED UYBOCO.
- THE TRIAL COURT ERRED IN ADMITTING THE TESTIMONY OF JEPSON DICHAVEZ NOTWITHSTANDING HIS DISPLAYED PROPENSITY FOR UNTRUTHFULNESS.
- THE TRIAL COURT ERRED IN ADMITTING MOST OF THE OBJECT EVIDENCE PRESENTED AGAINST THE ACCUSED-APPELLANT SINCE THEY WERE PROCURED IN VIOLATION OF HIS CONSTITUTIONAL RIGHTS.
- THE TRIAL COURT ERRED IN FINDING OF FACT THAT THE MERVILLE PROPERTY LEASED BY ACCUSED-APPELLANT FROM MS. CAROLINA ALEJO WAS THE VERY SAME HOUSE WHERE NIMFA CELIZ AND HER WARDS WERE ALLEGEDLY DETAINED.
- THE TRIAL COURT ERRED IN HOLDING THAT ACCUSED UYBOCO AS HAVING PARTICIPATED IN THE ABDUCTION OF JESON KEVIN, JESON KIRBY, AND NIMFA CELIZ AS NOT A SINGLE EVIDENCE ON RECORD SUPPORTS THE SAME.
- THE TRIAL COURT ERRED IN NOT ACQUITTING THE ACCUSED CONSIDERING THAT ABDUCTION, AN IMPORTANT ELEMENT OF THE CRIME, WAS NEVER ESTABLISHED AGAINST HIM.
- THE TRIAL COURT ERRED IN HOLDING THE ACCUSED GUILTY OF KIDNAPPING FOR RANSOM WITHOUT DISCUSSING THE PARTICIPATION OF ACCUSED MACIAS CONSIDERING THAT THE CHARGE WAS FOR CONSPIRACY.[42]

The ultimate issue in every criminal case is whether appellant's guilt has been proven beyond reasonable doubt. Guided by the law and jurisprudential precepts, this Court is unerringly led to resolve this issue in the affirmative, as we shall hereinafter discuss.

In order for the accused to be convicted of kidnapping and serious illegal detention under Article 267 of the Revised Penal Code, the prosecution is burdened to prove beyond reasonable doubt all the elements of the crime, namely: (1) the offender is a private individual; (2) he kidnaps or detains another, or in any manner deprives the latter of his liberty; (3) the act of detention or kidnapping must be 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 upon the person kidnapped or detained or threats to kill him are made; or (d) the person kidnapped and kept in detained is a minor, the duration of his detention is immaterial. Likewise, if the victim is kidnapped and illegally detained for the purpose of extorting ransom, the duration of his detention is immaterial.[43]

We are in full accord with the findings of the trial court that these elements were proven by the prosecution, thus:

1) Accused Uyboco is a private individual;

2) Accused Uyboco together with the unidentified persons/companions of accused Uyboco, referred to as John Does, forcibly abducted the two sons of private complainant Jepson Dichaves, namely: then five-year-old Jeson Kevin and two-year old Jeson Kirby as well as their maid or "yaya" Nimfa Celiz. Their abduction occurred at about 10:30 in the morning of December 20, 1993. The three victims were on board Jepson's Isuzu pick-up driven by Jepson's driver Pepito Acon. The moving pick-up was in front of San Sebastian Church, Legarda, Manila when its path was blocked by a stainless jeep. A man in white t-shirt and brown vest accosted driver Pepito for having allegedly ran over a stone that hit a son of a general working at the Presidential Security Group. Pepito was made to ride in a jeep. The same man drove the pick-up to a house in Merville Subdivision, Paranaque, Metro Manila, where the victims were illegally detained from December 20 to 23, 1993.

x x x x

3) The act of the detention or kidnapping of the three victims was indubitably illegal. Their detention was not ordered by any competent authority but by the private individual whose mind and heart were focused to illegally amassed huge amount of money thru force and coercion for personal gain;

x x x x

5) Both accused Uyboco and Macias had successfully extorted ransom by compelling the parents of the minors to give in to their unreasonable demands to get the huge amount of money, a gun, and pieces of jewelry x x x.[44]

These facts were based on the narrations of the prosecution's witnesses, particularly that of Nimfa, the victim herself and Jepson, the father of the two children abducted and the person from whom ransom was extorted.

Nimfa recounted how she and her wards were abducted in the morning of 20 December 2003 and detained in a house in Merville Subdivision, Parañaque, thus:

A: When we arrived at the office after awhile we boarded the pick-up and then we left, Sir.

x x x x

A: Those who boarded the pick-up, the driver Pepito Acon, Mrs. Yusan Dichavez, the two (2) children and myself, Sir.

x x x x

A: We proceeded to Metrobank Recto, Sir.

x x x x

Q: And when you stopped there, what happened?

A: Mrs. Yusan Dichavez alighted in order to cross the street to go to Metrobank, Sir.

Q: And then what followed next?

A: The driver, Jeson Kirvy, Jeson Kervin and myself made a right turn and we entered an alley, Sir.

x x x x

Q: Before reaching Legarda, do you know of any untowards incident that happened?

A: Yes, sir.

ATTY. PAMARAN:

Q: What?

A: When we were already in front of the San Sebastian Church and Sta. Rita College there was a stainless jeep that block our path, Sir.

Q: How many persons were inside that stainless jeep, if you know?

A: I have not notice, but there were many, Sir.

Q: How did that stainless jeep stop your vehicle?

A: Our driver Pepito Acon was signaled by the persons on the stainless jeep to stay on the side, sir.

Q: What did your driver Pepito Acon do when the sign was made to him?

A: The driver stopped the pick-up and set on the side, Sir.

Q: And then what followed next after he stopped?

x x x x

A: The man told us that we will be brought to the precinct because when we then make a turn at Kentucky a stone was ran and hit the son of the General of PSG from Malacañang, Sir.

x x x x

Q: What did Pepito Acon do? When told to alight?

A: Pepito Acon alighted, Sir.

Q: Then what followed next?

A: After that Pepito alighted and the man who came from the stainless jeep boarded and he was the one who drove, Sir.

x x x x

A: When that man boarded the pick-up there was a T-bird who also boarded on the passenger's side, Sir.

x x x x

Q: When you entered the gate of Merville Subdivision, where did you proceed?

A: When we entered the gate there was a street which I do not know and when we went straight as to my estimate we were going back to the main gate, Sir.

x x x x

A: The pick-up stopped in front of a low house near the gate, Sir.

Q: When you stopped in front of the gate, that house which is low, what happened?

A: The tomboy alighted and opened the gate of that low house, Sir.

Q: What followed next after the tomboy opened the gate?

A: After the tomboy opened the gate, the driver entered the pick-up inside, Sir.

x x x x

Q: And when you entered the house, what happened?

A: When we entered the house we were confined at the comfort room, Sir.[45]

Jepson gave an account how appellant demanded ransom from him and eventually got hold of the money, thus:

A: Then Macias offered the release of the two (2) boys for 1.5 Million each, Sir.

A: Then I started begging and bargaining with them and then suddenly Uyboco was again the one continuing the conversation, Sir.

Q: What did you say?

A: After some bargaining and beggings he reduced the demand to 1.7 million, and he asked for my wife to talk to because according to him I was very hard to talk too, Sir.

ATTY. PAMARAN:

Q: You said he, to whom are you referring?

A: To Mr. Uyboco, Sir.

Q: What followed?

A: After some more bargaining and begins he further reduced their demand to 1.5 million x x x.

x x x x

Q: And after that what followed?

A: I offered them to fill up the different (sic) in kind, Sir.

Q: Why to offer the different (sic) in kind?

A: To fill up the different (sic) between 1.3 million to 1.5 million, Sir.

Q: So in short, how much cash did you offer?

A: I offered it for 1.3 million, Sir.

Q: How about the different (sic), what will it be?

A: At this point, he asked me to include my gun, Sir.

Q: How about the other balance?

A: My jewelry, Sir.[46]

x x x x

Q: And what did you do after you were in possession of the money, the jewelries, the gun and the bag?

A: I returned to my office and put the cash in the bag.

Q: In short, what were those inside the bag?

A: The P1.325 million money, the gun and the assorted jewelries.

Q: And after placing them inside the bag, what happened?

A: I left my office at 3:00 PM to proceed to the Pancake House at the

Magallanes Commercial Center.

Q: Where did you place that bag?

A: That bag, at that time, was placed at the back seat when I was going to the Pancake House.

x x x x

Q: What else did he tell you?

A: x x x He told me to put the ransom bag x x x inside my trunk compartment, leave it and lock the car, and walk away without looking back for ten (10) minutes.

Q: After that instruction, what happened, or what did you do?

A: After few minutes, he called again. He told me to drive and park the car beside the car Mitsubishi Colt Mirage with Plate NO. NRZ-863.

Q: Did he tell you where was that Colt Mirage car parked?

A: Yes, in front of the Mercury Drug Store.

Q: And then, what did you do?

A: I followed his instruction.

Q: And what followed next?

A: After few more minutes, he called again and asked if I am in front of the Mercury Drug Store already.

Q: And what was your answer?

A: I told him yes and he again gave me the final arrangement, but he uttered I walk back towards the Pancake House without looking back for ten (10) minutes.

Q: And?

A: And informing me the whereabouts of my sons.

ATTY. PAMARAN:

Q: Did you comply with that instruction?

A: Yes, sir.

Q: What did you do?

A: I walked towards the Pancake House without looking back for more than ten (10) minutes.

Q: That car that you parked near the Mitsubishi Colt, how far was your car the parked form that Colt Mirage?

A: Beside the Colt Mirage, Sir.

Q: And after you parked the car, what followed?

A: I walked towards the Pancake House without looking back and then I turned to the back of the supermarket and I checked my trunk and saw that the bag is gone already.

Q: And what followed thereafter?

A: A few minutes, Uyboco called up and told me that my sons were at the shell station after the Magallanes

Commercial Center inside the Bibingkahan.[47]

Now, appellant seeks to destroy the credibility of these witnesses by imputing inconsistencies, untruthfulness and incredibility in their testimonies.

Appellant harps on the supposed inconsistencies in the testimony of Nimfa, namely: First, Nimfa stated that on the day they were to be released, they, together with Macias, left Merville Subdivision at 4:00 p.m. while appellant stayed behind. However, P/Insp. Escandor testified that at around 4:00 p.m., he saw Macias and appellant at Magallanes Commercial Center. Second, Nimfa could not properly identify the number of kidnappers. Third, Nimfa failed to state in her affidavit and during the direct examination that Sarge had a gun, but later on cross-examination, she intimated that Sarge had a gun. Fourth, it was incredible that Nimfa was able to identify the route taken by the kidnappers to the safe house because she was not allegedly blindfolded. Fifth, it was strange for Nimfa to say that two persons, Macias and appellant, were holding the receiver and the dialing mechanism whenever they hand the phone to her. Sixth, it was impossible for Nimfa to have access to an operational telephone while in captivity.[48] The Court of Appeals correctly dismissed these inconsistencies as immaterial, in this wise:

The purported inconsistencies and discrepancies involve estimations of time or number; hence, the reference thereto would understandably vary. The rule is that inconsistencies in the testimonies of prosecution witnesses on minor details and collateral matters do not affect the substance of their declaration, their veracity or the weight of their testimonies. The inconsistencies and discrepancies of the testimonies, in the case at bar, are not of such nature as would warrant the reversal of the decision appealed from. On the contrary, such trivial inconsistencies strengthen, rather than diminish, Celiz' testimony as they erase suspicion that the same was rehearsed.

The fact that Uyboco and his companions neither donned masks to hide their faces nor blindfolded or tied up their victims goes to show their brazenness in perpetrating the crime. Besides, familiarity with the victims or their families has never rendered the commission of the crime improbable, but has in fact at times even facilitated its commission. Moreover, the fact that there was a usable phone in the house where Celiz and the kids were held captive only proves that, in this real world, mistakes or blunders are made and there is no such thing as a perfect crime. On a different view, it may even be posited that the incredible happenings narrated by Celiz only highlights the brilliance of Uyboco and his companions. Verily, in committing the crime of kidnapping with ransom, they adopted and pursued unfamiliar strategies to confuse the police authorities, the victim, and the family of the victims.[49]

Appellant then zeroes in on Jepson and accuses him of lying under oath when he claimed that appellant owed him only P2.3 Million when in fact, appellant owed him P8.5 Million. Appellant charges Jepson of downplaying his closeness to him when in fact they had several business deals and Jepson would address appellant as "Ernie." Moreover, it was unbelievable for Jepson to be able to identify with utmost certainty that the kidnapper he was supposedly talking to was appellant. Finally, appellant claims that Jepson's motive to maliciously impute a false kidnapping charge against him boils down to money. Among the businesses that Jepson owns was along the same line of business as that of appellant, which is the supply of police equipment to the PNP. To eliminate competition and possibly procure all contracts from the PNP and considering his brother's close association to then Vice-President Estrada, Jepson crafted and executed a frame up of appellant.

And the Court of Appeals had this to say:

For one, the strategy used, which is the use of unconventional or not so commonly used strategy, to apprehend the kidnappers of Celiz and the Dichaves' children is, by reason of their special knowledge and expertise, the police operatives' call or prerogative. Accordingly, in the absence of any evidence that said agents falsely testified against Uyboco, We shall presume regularity in their performance of official duties and disregard

Uyboco's unsubstantiated claim that he was framed up.

Secondly, matters of presentation of witnesses by the prosecution and the determination of which evidence to present are not for Uyboco or even the trial court to decide, but the same rests upon the prosecution. This is so since Section 5, Rule 110 of the Revised Rules of Court expressly vests in the prosecution the direction and control over the prosecution of a case. As the prosecution had other witnesses who it believes could sufficiently prove the case against Uyboco, its non-presentation of other witnesses cannot be taken against the same.[50]

Time and again, this court has invariably viewed the defense of frame-up with disfavor. Like the defense of alibi, it can be just as easily concocted.[51]

We are inclined to accord due weight and respect to the ruling of the lower courts in giving credence to the positive testimonies of Nimfa and Jepson, both pointing to appellant as one of the kidnappers. Both witnesses testified in a clear and categorical manner, unfazed by efforts of the defense to discredit them. As a rule, the assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court, which had a unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct and attitude.[52] While it is true that the trial judge who conducted the hearing would be in a better position to ascertain the truth or falsity of the testimonies of the witnesses, it does not necessarily follow that a judge who was not present during the trial, as in this case, cannot render a valid and just decision, since the latter can very well rely on the transcribed stenographic notes taken during the trial as the basis of his decision.[53]

Appellant raises questions which purportedly tend to instill doubt on the prosecution's theory, thus:

If Uyboco is really the mastermind of the kidnapping syndicate, why would he demand only P1.325M x x x as ransom? Why would he be the one to personally pick-up the ransom money using his own car registered in his son's name? Why did he not open the bag containing the ransom to check its contents? Why would he be the one to personally hand the phone to Nimfa Celiz without any mask covering his face x x x. Why would he go back to his family residence x x x with the ransom money still intact in the trunk of his car?

If Nimfa Celiz and her wards were indeed kidnapped, why were they not blindfolded x x x? Why were they not tied x x x?

x x x x

If it is true that the house at Merville, Parañaque was used by accused-appellant Uyboco as the place of the alleged detention x x x how come Uyboco signed the lease contract under his own name? x x x Certainly, any person with the education attainment of at least high school degree, much more so an established businessman like accused-appellant would know that the lease contract and the post-dated checks are incriminating evidence.

x x x (h)ow come no effort was exerted in apprehending Uyboco during day 1 of the kidnapping? x x x Why is their story focused only on the day of the ransom payment? Why did they not apply for a warrant of arrest against accused-appellant Uyboco when they supposedly knew that from day 1, he was the kidnapper?

Why were there no tapes presented in evidence which recorded the conversations between the kidnappers x x x.[54]

Furthermore, appellant stresses that his financial status as an established and well-off businessman negates any motive on his part to resort to kidnapping.

If we indulge appellant's speculations, we could readily provide for the answers to all these questions - that appellant originally demanded P26 Million but this had been substantially reduced due to aggressive bargaining

and negotiations; that appellant personally picked up the ransom money because he could not trust anybody to do the work for him; that appellant did not open the bag containing the money because he trusted Jepson, who then out of fear, would deliver as instructed; that appellant did not cover his face in front of Nimfa because he thought Nimfa would not recognize him; that appellant went back to his family residence because he never thought that Jepson would recognize him as the voice behind one of the kidnappers; that the victims were not blindfolded or tied because Nimfa, who appeared to be ignorant to the kidnappers and the two children barely 5 years old would be emboldened to escape; that appellant never thought that the police would discover the place of detention; that the police employed a different strategy, which is to first secure the victims before they apprehend the kidnappers; that to secure a warrant would be futile as the police then did not have sufficient evidence to pin down appellant to the crime of kidnapping; that there were no actual record of the telephone conversations between Jepson and the kidnappers.

However, to individually address each and every question would be tantamount to engaging in a battle of endless speculations, which do not have a place in a court of law where proof or hard evidence takes precedence. On the other hand, the prosecution presented testimonies and evidence to prove that kidnapping occurred and that appellant is the author thereof.

Appellant seeks to pierce the presumption of regularity enjoyed by police officers to anchor his argument that he has been framed up. He belittles the efforts of the police officers who participated in the operation. Appellant claims that despite knowledge of the place of alleged detention, the police did not try to rescue the kidnap victims. Appellant also notes that while P/Supt. Chan denies installing any listening device to record the conversations of the kidnappers and Jepson, the interview made by a reporter for a television network shows that Major Aquino admitted to taped conversations of appellant's alleged negotiations for the ransom with Jepson. Appellant insists that these taped conversations do exist.

Appellant cannot rely on a vague mention of an interview, if it indeed exists, to discredit the testimony of P/Supt. Chan. The truth of the matter is appellant failed to prove the existence of the alleged taped conversations. The matters of failure of the police officer to properly document the alleged pay-off, the non-production of the master copy of the video tape, and the chain of custody supposedly broken are not semblance of neglect so as to debunk the presumption of regularity. In the absence of proof of motive on the part of the police officers to falsely ascribe a serious crime against the accused, the presumption of regularity in the performance of official duty, as well as the trial court's assessment on the credibility of the apprehending officers, shall prevail over the accused's self-serving and uncorroborated claim of frame-up.[55]

Appellant then questions the validity of his arrest and the search conducted inside his car in absence of a warrant. The arrest was validly executed pursuant to Section 5, paragraph (b) of Rule 113 of the Rules of Court, which provides:

SEC. 5. Arrest without warrant; when lawful. -- A peace officer or a private person may, without a warrant, arrest a person: (a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense; (b) When an offense has in fact been committed and he has personal knowledge of facts indicating that the person to be arrested has committed it; and, (c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another. (Emphasis supplied)

The second instance of lawful warrantless arrest covered by paragraph (b) cited above necessitates two stringent requirements before a warrantless arrest can be effected: (1) an offense has just been committed; and (2) the person making the arrest has personal knowledge of facts indicating that the person to be arrested has committed

it.[56]

Records show that both requirements are present in the instant case. The police officers present in Magallanes Commercial Center were able to witness the pay-off which effectively consummates the crime of kidnapping. They all saw appellant take the money from the car trunk of Jepson. Such knowledge was then relayed to the other police officers stationed in Fort Bonifacio where appellant was expected to pass by.

Personal knowledge of facts must be based on probable cause, which means an actual belief or reasonable grounds of suspicion. The grounds of suspicion are reasonable when, in the absence of actual belief of the arresting officers, the suspicion that the person to be arrested is probably guilty of committing the offense is based on actual facts, i.e., supported by circumstances sufficiently strong in themselves to create the probable cause of guilt of the person to be arrested. A reasonable suspicion, therefore, must be founded on probable cause, coupled with good faith on the part of the peace officers making the arrest. Section 5, Rule 113 of the 1985 Rules on Criminal Procedure does not require the arresting officers to personally witness the commission of the offense with their own eyes.[57]

It is sufficient for the arresting team that they were monitoring the pay-off for a number of hours long enough for them to be informed that it was indeed appellant, who was the kidnapper. This is equivalent to personal knowledge based on probable cause.

Likewise, the search conducted inside the car of appellant was legal because the latter consented to such search as testified by P/Supt. Cruz. Even assuming that appellant did not give his consent for the police to search the car, they can still validly do so by virtue of a search incident to a lawful arrest under Section 13, Rule 126 of the Rules of Court which states:

SEC. 13. Search incident to lawful arrest. -- A person lawfully arrested may be searched for dangerous weapons or anything which may have been used or constitute proof in the commission of an offense without a search warrant.

In lawful arrests, it becomes both the duty and the right of the apprehending officers to conduct a warrantless search not only on the person of the suspect, but also in the permissible area within the latter's reach. Otherwise stated, a valid arrest allows the seizure of evidence or dangerous weapons either on the person of the one arrested or within the area of his immediate control. The phrase "within the area of his immediate control" means the area from within which he might gain possession of a weapon or destructible evidence.[58] Therefore, it is only but expected and legally so for the police to search his car as he was driving it when he was arrested.

Appellant avers that it was not proven that appellant was present and in fact participated in the abduction of the victims. Lacking this element, appellant should have been acquitted. In a related argument, appellant contends that conspiracy was not proven in the execution of the crime, therefore, appellant's participation was not sufficiently established.

The Court of Appeal effectively addressed these issues, to wit:

The prosecution was able to prove that: 1) At the time of the kidnapping, the house where Celiz and the Dichaves' children were kept was being leased by Uyboco; 2) Uyboco was present in the said house at the time when Celiz and the Dichaves' children were being kept thereat; 3) there being no evidence to the contrary, Uyboco's presence in the same is voluntary; 4) that Uyboco has in his possession some of the ransom payment; and, 5) that Uyboco was the one who told them that the balance of the ransom payment is with Macias. All these circumstances clearly point out that Uyboco, together with several unidentified persons, agreed or decided and conspired, to commit kidnapping for ransom.

x x x x

x x x Uyboco's claim, that since it was not proven that he was one of the passengers of the jeep which waylaid the Dichaves' vehicle on December 20, 1993, he could not be convicted of kidnapping for ransom considering that his participation, if any, was merely to provide the house where the victims were kept, is misplaced.

Moreover, to Our mind, it is inconceivable that members of a kidnapping syndicate would entrust the performance of an essential and sensitive phase of their criminal scheme, i.e. possession of the ransom payment, to people not in cahoots with them, and who had no knowledge whatsoever of the details of their nefarious plan.[59]

The testimonies of Nimfa and Jepson sufficiently point to the participation of appellant. While he was not present during the abduction, he was present in the house where the victims were detained, oftentimes giving the phone to Nimfa to talk to Jepson. He also actively demanded ransom from Jepson. The conspiracy was likewise proven by the above testimonies. Appellant conspired with Macias and other John Does in committing the crime. Therefore, even with the absence of appellant in the abduction stage, he is still liable for kidnapping for ransom because in conspiracy, the act of one is the act of all.[60]

Based on the foregoing, we sustain appellant's conviction.

WHEREFORE, the Decision dated 30 August 2002 in Criminal Case Nos. 93-130980, 93-132606, and 93-132607 RTC, Branch 18, Manila, finding Ernesto Uyboco y Ramos guilty of kidnapping for ransom, and the Decision dated 27 September 2006 of the Court of Appeals, affirming in toto the Decision of the RTC, are AFFIRMED.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and Del Castillo, JJ., concur.

[1] Penned by Associate Justice Normandie B. Pizarro with Associate Justices Regalado E. Maambong and Jose Catral Mendoza (now Supreme Court Associate Justice), concurring. Rollo, pp. 3-27.

[2] Penned by Acting Presiding Judge Edelwina Catubig Pastoral. CA rollo, pp. 94-128.

[3] Records, Vol. I, pp. 260-261.

[4] Id. at 257-258.

[5] Id. at 260-261.

[6] The first arraignment was held in abeyance and the DOJ was ordered to conduct preliminary investigation by the Court of Appeals while the second arraignment was postponed when the Court of Appeals issued a restraining order. See CA rollo, p.

[7] TSN, 12 December 1996, pp. 23-38.

[8] Id. at 43-45.

[9] TSN, 8 May 1997, pp. 8-14.

[10] TSN, 12 December 1996, pp. 48-50.

[11] TSN, 9 January 1997, pp. 14-16.

[12] TSN, 8 May 1997, p. 18.

- [13] Id. at 27.
- [14] TSN, 9 January 1997, pp. 19-22.
- [15] TSN, 8 May 1997, pp. 32-34.
- [16] Id. at 52-53.
- [17] Id. at 60.
- [18] TSN, 7 January 1997, pp. 41-42.
- [19] TSN, 9 May 1997, pp. 6-13.
- [20] TSN, 15 April 1999, pp. 8-16.
- [21] Id. at 34-42.
- [22] TSN, 8 June 1999, pp. 5-11.
- [23] TSN, 16 February 1999, pp. 4-13.
- [24] Id. at 13-22.
- [25] TSN, 9 May 1997, pp. 15-27.
- [26] TSN, 16 February 1999, pp. 4-24.
- [27] Id. at 33-42.
- [28] CA rollo, p. 108.
- [29] TSN, 12 November 1999, pp. 10-30.
- [30] TSN, 10 December 1999, pp. 23-62.
- [31] TSN, 13 December 1999, pp. 8-26.
- [32] TSN, 8 December 2000, pp. 4-6.
- [33] TSN, 29 May 2001, pp. 11-12.
- [34] TSN, 4 June 2001, pp. 3-9.
- [35] Art. 89. How criminal liability is totally extinguished. -- Criminal liability is totally extinguished:
1. By the death of the convict, as to the personal penalties and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment.
- [36] CA rollo, pp. 127-128.
- [37] G.R. No. 147678-87, 7 July 2004, 433 SCRA 640.
- [38] Rollo, p. 2.
- [39] Id. at 27.
- [40] Id. at 36.
- [41] Id. at 49.

[42] CA rollo, pp. 192-193.

[43] *People v. Cruz, Jr.*, G.R. No. 168446, 18 September 2009, 600 SCRA 449, 463-464 citing *People v. Soberano*, G.R. No. 116234, 6 November 1997, 281 SCRA 438, 446; *People v. Tan*, G.R. No. 177566, 26 March 2008, 549 SCRA 489, 498 citing *People v. Ejandra*, G.R. No. 134203, 27 May 2004, 429 SCRA 364, 381-382.

[44] CA rollo, p. 122.

[45] TSN, 12 December 1996, pp. 24-45.

[46] TSN, 8 May 1997, pp. 51-54.

[47] TSN, 9 May 1997, pp. 5-12.

[48] CA rollo, pp. 211-225.

[49] Rollo, pp. 19-20.

[50] *Id.* at 22.

[51] *People v. Silongan*, 449 Phil. 478, 497 (2003).

[52] *People v. Morales*, G.R. No. 148518, 15 April 2004, 427 SCRA 765, 784.

[53] *People v. Pacapac*, G.R. No. 90623, 7 September 1995, 248 SCRA 77, 92.

[54] CA rollo, pp. 203-205.

[55] *People v. Gutierrez*, G.R. No. 177777, 4 December 2009, 607 SCRA 377, 384 citing *Mamangun v. People*, G.R. No. 149152, 2 February 2007, 514 SCRA 44, 53; *People v. Chua Uy*, 384 Phil. 70, 85 (2000).

[56] *People v. Agojo*, G.R. No. 181318, 16 April 2009, 585 SCRA 652, 664-665.

[57] *Abelita III v. Doria*, G.R. No. 170672, 14 August 2009, 596 SCRA 220, 226-227 citing *People v. Cubcubin, Jr.*, 413 Phil. 249, 267 (2001); *Umil v. Ramos*, G.R. No. 81567, 3 October 1991, 202 SCRA 251, 261; *People v. Lozada*, 454 Phil. 241, 250-251 (2003).

[58] *Valeroso v. Court of Appeals*, G.R. No. 164815, 3 September 2009, 598 SCRA 41, 55-56 citing *People v. Cueno*, 359 Phil. 151, 163 (1998); *People v. Cubcubin, Jr.*, *id.* at 271; *People v. Estella*, 443 Phil. 669, 683 (2003).

[59] Rollo, pp. 24-25.

[60] *People v. Pangilinan*, 443 Phil. 198, 239 (2003) citing *People v. Boller*, 429 Phil. 754, 766 (2002); *People v. Bacungay*, 428 Phil. 798 (2002); *People v. Manlansing*, 428 Phil. 743, 756 (2002).

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.