

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSEPH MOSTRALES Y ABAD, ACCUSED-APPELLANT.*G.R. No. 184925. June 15, 2011*

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-184925/>**MENDOZA, J.:**

This is an appeal from the March 27, 2008 Decision [1] of the Court of Appeals (CA), in CA-G.R. CR-H.C. No. 00068 which affirmed with modification the September 9, 2003 Decision [2] of the Regional Trial Court, Branch 213, Mandaluyong City (RTC), in Criminal Case No. MC-02-587-FC-H.

The records show that on April 18, 2002, the accused Joseph Mostrales, Diosdado Santos, Ronnie Tan, and ten (10) John Does were charged with kidnapping for ransom, defined and penalized under Article 267 of the Revised Penal Code, as amended by Republic Act (R.A.) No. 7659, in an Information [3] which reads :

That on or about the 12[th] day of November, 2001, in the City of Mandaluyong, Philippines and within the jurisdiction of this Honorable Court, the above named accused, being then private individuals, conspiring and confederating together with @ JOHN-JOHN, @ KUMANDER AGUILA, @ KUMANDER KIDLAT AND TEN (10) JOHN DOES, whose true identities and present whereabouts are still unknown and mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously, for the purpose of extorting ransom from one MA. ANGELA VINA DEE PINEDA and her parents, threatening to kill the said MA. ANGELA VINA DEE PINEDA if the desired amount of money could not be given, kidnap, carry away, detain and deprive the said MA. ANGELA VINA DEE PINEDA, a minor and a female, of her liberty without authority of law, against her will and consent, which kidnapping or detention lasted for more than five (5) days, and with the ransom payment in the total amount of Eleven Million Pesos (P11,000,000.00), given and delivered to the accused.

CONTRARY TO LAW.

Upon arraignment on July 30, 2002, Joseph Mostrales (Mostrales) pleaded not guilty to the charge. Both his co-accused, Diosdado Santos (Santos) and Ronnie Tan (Tan), remained at-large as of the date of promulgation of the CA Decision. [4]

After the pre-trial conference held on August 22, 2002, trial ensued. The prosecution presented eleven (11) witnesses: Herminio Altarejos (Herminio), the Pinedas' family driver; Elsie Bisagas (Elsie), the victim's nanny; Alex Afable (Alex), another family driver of the Pinedas; Antonio Piodena (Antonio), company driver of Dermparma, Inc.; Police Officer 2 Rossel Dejas (PO2 Dejas), Police Anti-Crime and Emergency Response (PACER) case investigator, Camp Crame; Senior Police Officer 2 Roy Michael Malixi (SPO2 Malixi), PACER case investigator, Camp Crame; Ma. Angela Vina Dee Pineda (Ma. Angela), the kidnap victim; Ma. Aurora Dee Pineda (Ma. Aurora), the victim's mother; Dr. Vinzon Pineda (Dr. Pineda), the victim's father; Ana Navarra (Ana), the victim's former private nurse; and Major Patricia Arumin (Major Arumin), PACER, Camp Crame.

The defense, on the other hand, presented Mostrales, Jaime Cesista (Cesista), Rudy Hombrebueno

(Hombrebueno), and Isagani Nerez (Nerez).

VERSION OF PROSECUTION

The evidence for the prosecution shows that on November 12, 2001 at 6:35 o'clock in the morning, Ma. Angela, the fourteen-year old daughter of Dr. Pineda and Ma. Aurora, and her three (3) minor adopted brothers, Isaac, Jacob and Samuel, left their residence in Legaspi Village, Makati City, bound for the Tabernacle of Faith Christian Academy along J. Ruiz Street, San Juan, Metro Manila where Ma. Angela was a high school sophomore.

Ma. Angela and her siblings were aboard a white Hyundai Starex van with plate number WEA 968 driven by Herminio. Alex, another driver of Dr. Pineda, rode in the passenger seat. Ma. Angela and her nanny, Elsie, were seated at the second row of the van, while the three boys and their nanny, Elgie Bisagas (Elgie), sat at the third row.

On their way to school, they passed along Paseo de Roxas to Makati Avenue and crossed the Makati-Mandaluyong Bridge. From there, they proceeded to Nueve de Febrero and turned towards Calderon Street, in the direction of San Juan. On Calderon Street, the van was following a red Toyota Revo bearing plate number WES 277.

Upon approaching the corner of Calderon and Pilar Streets, the Revo abruptly stopped. Herminio blew the van's horn, but the Revo slowly moved backward, prompting him to sound the van's horn again. As he did so, the Revo continued to move in reverse until it hit the front of the Starex. Four armed men, dressed in black and carrying long firearms, alighted from the Revo. Herminio thought that the men were police officers and that he had just committed a traffic violation. Two of the men went to Herminio's side, while the other two positioned themselves at the right side of the van near Alex. [5]

The two men at Herminio's side, one of whom was identified as Mostrales, aimed and poked their guns at the window and demanded that Herminio open the door of the van. The doors of the van opened, and the two men standing at the opposite side of the van pointed their guns at Alex, yanked him outside, forced him to face a nearby wall with his hands up, and frisked him. The men also took the keys from Herminio, opened the van's sliding door and attempted to force Ma. Angela out of the van, shouting, "Baba, baba!" [6] When Elsie resisted and protectively held on to Ma. Angela, one of the armed men jabbed Elsie with his gun on the right side of her torso, grabbed her feet, and pulled her out of the vehicle, causing her to fall on her back onto the ground. One of the armed men, later identified as Santos, entered the van, took Ma. Angela and brought her to the Revo. The four men boarded the Revo and sped off in the direction of Shaw Boulevard. [7]

Herminio, Alex and Elsie ran after the Revo, shouting for help, saying, "Kinidnap yung kasama naming bata!" [8] When they reached the Shell gasoline station on Shaw Boulevard, they could still see the Revo at Cherry Foodarama. They flagged down a man on a "hagad" motorcycle going in the direction of Sta. Mesa, whom they presumed to be a policeman, relayed to him what had transpired, and pointed to the Revo. The man asked Herminio for the Revo's plate number and color and pursued the vehicle. When he returned, however, he informed Herminio and his companions that he had failed to overtake the vehicle. They returned to the place of the incident, where they saw two policemen in a mobile patrol car. [9] They reported what happened and then proceeded to the Mandaluyong Police Headquarters.

From the Mandaluyong Police Headquarters, Herminio and his companions went to the National Anti-Kidnapping Task Force (NAKTAF) Office in Camp Crame, Quezon City. In the NAKTAF office, Herminio identified Joseph Mostrales and his co-accused Diosdado Santos from photographs shown to him. Herminio, Elsie and Alex then

executed their respective sworn statements. Herminio added that he later read in a newspaper that Santos had been killed in another incident.

On that same day, a man called up the Pineda residence in Makati and identified himself to Dr. Pineda as "Kumander Kidlat." The caller informed Dr. Pineda that his group had Ma. Angela and warned him not to report the incident to anyone and then hung up. Thereafter, Kumander Kidlat called the Pineda residence every half hour, initially demanding P100 million in ransom, but which was eventually negotiated down to P35 million. Dr. Pineda, however, insisted that he could raise P3 million only. Enraged, Kumander Kidlat repeatedly cursed and directed profanities against him. [10]

Dr. Pineda and his ex-wife, [11] Ma. Aurora, Ma. Angela's mother, agreed to collectively raise P5 million as ransom money. Kumander Kidlat, however, adamantly demanded for a higher amount and threatened to kill Ma. Angela and dump her body in the creek in either the Amorsolo or Valle Verde area. Ma. Aurora testified that on November 13, 2001, while Dr. Pineda was at the bank, Kumander Kidlat let her listen to Ma. Angela's voice over the phone and told her that if they would not deliver the amount their group was demanding, they would rape and kill her daughter.

On November 16, 2001, Dr. Pineda and Kumander Kidlat finally agreed that Ma. Angela's family would pay ransom in the amount of P8 million. Dr. Pineda raised P6 million while Ma. Aurora contributed P2 million. Dr. Pineda personally counted the bills and, following Kumander Kidlat's instructions, arranged the money in a backpack.

On the morning of November 17, 2001, Kumander Kidlat called Dr. Pineda and told him to be ready to deliver the ransom amount. Per his instructions, Ma. Aurora was to deliver the ransom money. He also told Dr. Pineda and Ma. Aurora to have their cellphones ready to receive his instructions. Dr. Pineda's driver, Antonio, was assigned to chauffeur Ma. Aurora. [12]

At 8:00 o'clock in the morning of the same day, Kumander Kidlat called Ma. Aurora on her cellphone and instructed her to go home and wait for further instructions. After twenty minutes, he called again and instructed her to go to Pancake House in Magallanes. A few minutes after reaching the said restaurant, Kumander Kidlat ordered her to proceed to the Petron station along South Luzon Expressway, where she and Antonio waited for an hour. Kumander Kidlat then instructed her to proceed to Batangas by taking the Carmona Exit, then to turn around, proceed to C-5 and wait at the Smart Zed billboard area where she would give the ransom money to a man who would approach her and would mention the word "Aguila." [13]

As instructed, Ma. Aurora and Antonio waited in the car until a man in a white shirt and jeans approached Ma. Aurora's side of the vehicle and told her, "[P]inagutusan lang po, Aguila." Then, she handed over the blue bag containing the ransom money to the man, who took it and her cellphone, and told them, "Umalis na kayo." [14]

Notwithstanding the payoff, the kidnappers did not release Ma. Angela. Two days later, on November 19, 2001, Kumander Kidlat called up Dr. Pineda at his Makati residence. When the latter asked why Ma. Angela was not released, Kumander Kidlat responded with invectives and demanded more money, saying, "Huwag ka na magcomplain, magbigay ka pa." [15] Dr. Pineda said that his family could not give any more than what had already been given. Kumander Kidlat told him that he would call again. Literally sick with fear and worry for his daughter, Dr. Pineda had to be confined at the Makati Medical Center. Upon further negotiations, the kidnappers again demanded that Dr. Pineda and Ma. Aurora pay an additional ransom of P35 million.

For a week, the Pinedas were not allowed to speak with their daughter. The family, thus, sought the assistance of Teresita Ang See (Ang See), who introduced them to NAKTAF operatives.

Under the direction of Col. Allan Purisima, Ma. Aurora again negotiated with the kidnappers for Ma. Angela's release in exchange for the payment of a second ransom. For security reasons, during the course of their negotiations, the Pinedas had to constantly relocate and stay at various hotels and condominium units. After several rounds of negotiation, the kidnappers agreed to reduce the amount of the second ransom from P35 million to P3 million. Dr. Pineda raised P2 million while Ma. Aurora contributed P1 million. Following Kumander Kidlat's instructions, Ma. Aurora placed the ransom money in a backpack.

In the meantime, Ana, Ma. Angela's private nurse from birth until she was six years old, testified that she spoke with Ma. Aurora after she learned that Ma. Angela had been kidnapped. On November 20, 2001, Ana met with Ma. Aurora at the Makati Medical Center where Dr. Pineda was confined. Ana was with Ma. Aurora on December 8, 2001, while the latter spoke with Kumander Kidlat on the phone about the delivery of the second ransom. Ana related that Ma. Aurora was crying so hard she could hardly speak. Thus, she took the cellphone from Ma. Aurora and talked to Kumander Kidlat herself. She pleaded with him to allow her to deliver the ransom money to them. Kumander Kidlat acceded and instructed her to proceed to Batangas where his group would receive the money. Thus, Ma. Aurora handed over to Ana the black backpack containing the P3 million ransom money.

Thereafter, Ana and Major Arumin of the NAKTAF left the Pineda residence in Makati for Batangas via South Luzon Expressway. As instructed by Kumander Kidlat, Ana and Major Arumin stopped at the Petron gas station. Ana spoke with Kumander Kidlat on the phone and was instructed ten minutes later to exit at Southwoods and proceed back to Manila. They were then directed to head to the Centennial Building along C-5 and to stop below the Hi-Nulac billboard at the end of the road. Shortly thereafter, a man approached the car and identified himself to them as "Kumander Aguila." After the man took the bag containing the P3 million ransom money and Ana's phone, she and Major Arumin drove back to Makati.

On December 8, 2001, after twenty seven (27) days in captivity, Ma. Angela was taken by the kidnappers to a place where a taxicab was waiting. Following the instructions given to her, Ma. Angela boarded the cab and gave the driver her address. Upon arrival at the building where their family lived, the security guard stationed at the ground floor accompanied her to their unit where she was reunited with her family.

VERSION OF THE ACCUSED

Mostrales denied having participated in Ma. Angela's abduction and claimed that at the time she was kidnapped and immediately prior thereto, he was at his hometown in Barangay Lauren, Umingan, Pangasinan. To vouch for his character, he drew on his having served as a member of the Philippine Marines from April 16, 1984 to March 2002 and his having been assigned as close-in security to Former President Joseph Ejercito Estrada.

The accused related that on October 31, 2001, he and his family visited his father's grave in Barangay Lauren, and that he stayed in Pangasinan for seventeen (17) days thereafter, or until November 17, 2001.

He recalled that on November 12, 2001, he stayed at home with his mother, his siblings and some of their neighbors who were visiting them at that time.

He further testified that in April 2002, he underwent surgery after having been injured in a vehicular accident in Mambungan, Antipolo City. Thereafter he returned to Pangasinan to recuperate. Several days later, however, on May 12, 2002, several NAKTAF operatives arrested him for his alleged involvement in the abduction of Ma. Angela.

Cesista, a farmer and allegedly a barangay tanod in Barangay Lauren, Umingan, Pangasinan, testified that he was a good friend of the Mostrales family and had known the accused since the latter was in elementary school. They

were neighbors in Barangay Lauren, his house being situated approximately five meters away from the Mostrales residence. He also claimed that he saw Mostrales from November 1 to 17, 2001, particularly at 6:00 o'clock in the morning and in the afternoon of November 12, 2001, when the kidnapping took place. The next time he saw Mostrales in Pangasinan was on May 12, 2002.

Hombrebueno, a tricycle driver and a member of the Civilian Volunteer Organization of Barangay Lauren, testified that Mostrales was his childhood friend and neighbor, and that he had known him since he was in grade school. Hombrebueno recalled that he saw the accused sometime in the morning of November 12, 2001 while he was driving his tricycle.

RULING OF THE REGIONAL TRIAL COURT

In its Decision dated September 9, 2003, the RTC held that the prosecution had duly proved the elements of Kidnapping for Ransom and found Mostrales guilty of violation of Article 267 of the Revised Penal Code, as amended by R.A. No. 7659. The dispositive portion of the decision reads:

WHEREFORE, the prosecution having successfully proved beyond per adventure of doubt the guilt of the accused JOSEPH MOSTRALES Y ABAD for Violation of Article 267 of the Revised Penal Code as amended by Republic Act 7659, he is hereby sentenced to suffer the penalty of DEATH, the intent or purpose of kidnapping being to extort ransom in addition to the justifying circumstances that said kidnapping had lasted for more than three (3) days and that the person kidnapped is a minor while the accused is neither the parents, female, nor public officer.

Further, said accused JOSEPH MOSTRALES Y ABAD is hereby ordered to pay the private complainants the following amount:

- ELEVEN MILLION PESOS (P11,000,000.00), Philippine Currency; representing the unrecovered ransom money;
- TWO MILLION PESOS (P2,000,000.00) Philippine currency, for and as moral damages to enable the injured parties to obtain means, diversion or amusements that will serve to alleviate the moral suffering they have undergone by reason of the accused's culpable action;
- TWO HUNDRED [SIXTY] EIGHT THOUSAND, NINETY THREE PESOS AND THIRTY SEVEN CENTAVOS (P268,093.37) as compensatory damages representing the actual pecuniary loss suffered by the private complainants from transportation, security, hospital, telephone and safe houses expenses.

The Branch Clerk of Court is hereby directed to transmit the entire records of this case pursuant to the provisions of Section 10, Rule 122 of the Revised Rules of Criminal Procedure.

SO ORDERED. [16]

RULING OF THE COURT OF APPEALS

The CA agreed with the RTC and found the arguments of the accused to be without merit. In its March 27, 2008 Decision, the CA affirmed with modification the decision of the RTC, downgrading the penalty from death to reclusion perpetua. The dispositive portion thereof states:

WHEREFORE, the decision dated September 29 [9], 2003 in Criminal Case No. MC-02-587-FC-H of the RTC, Branch 213, Mandaluyong City, is AFFIRMED with the MODIFICATION that accused-appellant is sentenced to reclusion perpetua without eligibility for parole and is ordered to pay to private complainant and her parents the amounts of P11,198,642.84 as actual damages, P100,000.00 as moral damages and P100,000.00 as exemplary damages.

SO ORDERED. [17]

Hence, this appeal.

Before this Court, the accused adopts the arguments contained in his Appellant's Brief [18] filed before the CA as his supplemental brief, as all the arguments pertinent to his defense have already been adequately raised therein. In his brief, he presented the following:

ASSIGNMENT OF ERRORS

I.

THE TRIAL COURT ERRED IN NOT GIVING CREDENCE TO ACCUSED-APPELLANT'S ALIBI; and

II.

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF KIDNAPPING FOR RANSOM WHEN THE LATTER'S GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

The Office of the Solicitor General (OSG) likewise adopts the issues raised in its Brief for the Appellee [19] where it argued that the guilt of the accused was proven beyond reasonable doubt and, accordingly, recommended that the appealed decision, being in conformity with the law and the evidence presented, be affirmed in toto.

RULING OF THE COURT

The Court agrees with the findings of the CA and affirms its decision with the sole modification that the amount of moral damages awarded be increased to P200,000.00 in light of recent jurisprudence.

All the elements of kidnapping under Article 267 of the Revised Penal Code were proven in this case.

Article 267 of the Revised Penal Code, as amended by R.A. No. 7659, [20] provides:

Art. 267. Kidnapping and serious illegal detention. - Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of reclusion perpetua to death:

- If the kidnapping or detention shall have lasted more than three days.
- If it shall have been committed simulating public authority.
- If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.
- If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer.

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above-mentioned were present in the commission of the offense.

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

In this case, the prosecution was able to prove all the elements of kidnapping:

- (1) The offender is a private individual; not either of the parents of the victim or a public officer who has a

duty under the law to detain a person;

(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) any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made or

(d) the person kidnapped or detained is a minor, female or a public official. [21] [Emphases supplied]

The essence of the crime of kidnapping is the actual deprivation of the victim's liberty, coupled with indubitable proof of the intent of the accused to effect the same. Moreover, if the victim is a minor, or the victim is kidnapped and illegally detained for the purpose of extorting ransom, the duration of his detention becomes inconsequential. Ransom here means money, price or consideration paid or demanded for the redemption of a captured person that will release him from captivity. [22]

As the CA correctly stated, although the accused testified that he was a member of the Philippine Marines on November 12, 2001, he had no duty under the law to detain Ma. Angela. Her kidnapping was clearly illegal and undertaken for the purpose of extorting ransom from her family.

Positive Identification of the Accused

Mostrales was positively identified by two prosecution witnesses, Herminio and Alex, as one of the four men who abducted Ma. Angela on November 12, 2001. Herminio, in particular, narrated in explicit details how he and his co-accused kidnapped Ma. Angela:

Q-

As a family driver, you said, what is the nature of your duties?

A-

Fetching their child, Angela Pineda, from home to her school, sir.

xxx xxx xxx

Q-

On November 12, 2001, what did you do, if any?

A-

I drove her to school.

Q-

When you said you drove her to school, [to] what school are you referring to?

A-

Tabernacle of Faith, sir, Christian Academy in San Juan.

Q-

What vehicle did you use then?

A-

A Starex Van, color white, with Plate No. WEA 968.

Q-

And who were with you, if any?

A-

With me is another driver, Alex Afable...

COURT:

Q-

What is the first name of Afable?

A-

Alex Afable, your honor, together with Angela Pineda, her Yaya, Elsie Bisagas, and three (3) adopted male children of Dr. Pineda.

xxx xxx xxx

Q-

What happened along the way while you were along Calderon Street, by the way, this Calderon Street, what place is this?

A-

In Mandaluyong City, sir.

Q-

What happened when you were along Calderon Street?

A-

We were tailing a Revo red car, when we approached the corners of Calderon and Pilar Streets, said car stopped.

Q-

Do you know the plate number of that Toyota Revo vehicle?

A-

Yes, sir.

Q-

What?

A-

WES 277.

Q-

What happened next, if any, when the Revo stopped in front of you, at the corner of Pilar Street?

A-

When the Revo stopped, because we are in a hurry, because we are chasing the time (sic), I blew my horn and after that, instead of them moving forward, they slowly moved backward.

Q-

So, what did you do?

A-

So, what I did is that I blew my horn again, sir.

Q-

What happened after you blew your horn for the second time?

A-

While I was blowing my again (sic) horn, we were bumped backward by the said vehicle and the front of the car was hit, sir.

Q-

What else happened?

A-

After having bumped our car, the four (4) suspects got off from the said vehicle.

Q-

These four (4) suspects, who alighted from the car, were they holding anything or none at all?

A-

They were armed with long firearms, sir.

Q-

What followed next after they alighted with long firearms, the four (4) suspects?

A-

After they alighted with long firearms, they ran towards us, the two (2) suspects went to my position and the other two (2) positioned themselves at the right side, near Alex.

Q-

Those two (2) persons that positioned themselves near you, what did they do, if any, when they were near you?

A-

They "tinumbok" their gun at the driver's window of the car on my side.

xxx xxx xxx

ATTY. PAMARAN

Q-

What followed next?

A-

What happened next is that the door at Alex's side suddenly opened.

Q-

And what followed thereafter?

A-

Thereafter, the suspects pointed the gun to (sic) Alex, brought him to the wall and frisked him.

xxx xxx xxx

COURT:

Q-

What followed next, after Alex was told to face the wall with hands up?

A-

One of the suspects had already opened (the) sliding door, the passenger's door of the van.

Q-

And then, what followed?

A-

Thereafter, they attempted forcibly to take away Angela Pineda but they cannot because she was embraced by her Yaya, namely Elsie Bisagas.

xxx xxx xxx

Q-

What happened when Elsie was embracing Pineda?

A-

Because of the difficulty of taking away Angela Pineda, one of the suspects hit Elsie with the point of a gun to her right side.

xxx xxx xxx

ATTY. PAMARAN

Q-

What followed next, when the suspect thrust the end of his rifle or his long firearm on the side of Elsie?

A-

Since they cannot get Angela, what the suspect d[id], they took the feet of Elsie and pulled her outside.

xxx xxx xxx

ATTY. PAMARAN:

Q-

After Elsie was pulled outside of the vehicle, what happened next to Elsie?

A-

She fell on the street.

Q-

What was her position when she fell on the street?

A-

She fell on the ground on her back.

Q-

And then what followed next?

A-

After that, the suspect immediately went inside of the vehicle and took away Angela.

Q-

How did they take Angela?

A-

With his single hand, he put his arm around her.

Q-

And then after putting the arm around her, what did they do?

A-

They run (sic) Angela inside their vehicle.

Q-

Where was their vehicle then?

A-

In front of our vehicle.

Q-

What followed next after they rushed Angela to their vehicle?

A-

All of them boarded their vehicle, they proceeded to Shaw Boulevard, sir.

xxx xxx xxx

Q-

And how about you, what did you do?

A-

And then, I immediately alighted from our vehicle and run (sic) after them and shouted for help, "kinidnap `yung kasama naming bata".

Q-

How about your other companions, what did they do?

A-

They ran after me, Elsie Bisagas and Alex Afable, but I ran first.

xxx xxx xxx

Q-

Do you know the accused or do you know any of the accused or any of the suspects?

A-

Yes, sir.

Q-

If any of the suspects, as you remember, is in court, will you point him out?

A-

Yes, sir.

Q-

Please do so.

A-

(sic) There he is, sir.

xxx xxx xxx

INTERPRETER:

The witness pointed to the person seated at the third row and identified himself as Joseph Abad Mostrales.

xxx xxx xxx

(Emphases supplied.) [23]

Alex similarly identified the accused as one of Angela's abductors and corroborated Herminio's testimony:

Q:

What did you notice in the T.V. News?

A:

I saw one of the kidnappers of the daughter of Dr. Pineda, sir.

Q:

Is that one of the kidnappers (sic) that you saw in court now?

A:

Yes, sir.

Q:

Please point to him, if any? (sic)

COURT:

Q:

Where is he sitting?

A:

Second row, Your Honor.

xxx xxx xxx

INTERPRETER;

Witness is pointing to a person [i]nside the court room [who] when asked to identify himself answered to the name of JOSEPH MOSTRALES Y ABAD.

ATTY. PAMARAN:

Why did you say that the person you pointed at was one of the kidnappers?

A:

Because I saw him when he alighted [f]rom the Revo car, sir.

Q:

In that particular happening of the incident, do you know if he perform[ed] anything?

A:

I don't know what he did but I [s]aw him when he went to the left [s]ide of the Starex Van, sir.

xxx xxx xxx

Q:

Now, may I ask you again why you remember or why are you sure that he was one of the kidnappers?

A:

Because I actually saw him and [c]annot forget his face, sir.

xxx xxx xxx

(Emphasis supplied.) [24]

There was no doubt in the identification of the accused by Herminio and Alex. Both witnesses positively identified him in their testimony and pointed at him in the court room. Herminio was even able to identify him from a photograph shown to him at the NAKTAF headquarters and described his physical appearance to the NAKTAF operatives in his sworn statement even before the photos were shown to him.

The accused's defense of alibi is not credible.

As the CA emphatically stated, "the defense of alibi may not be successfully invoked where the identity of the assailant has been established by the witnesses." [25] Alibi and denial are inherently weak defenses [26] and should be received with caution, because they can be easily fabricated, [27] and must be brushed aside when the prosecution has sufficiently and positively ascertained the identity of the accused. [28]

The positive identification of the accused, when categorical and consistent, and without any showing of ill motive on the part of the eyewitnesses testifying, should prevail over the alibi and denial of the accused, whose testimony is unsubstantiated by clear and convincing evidence. [29]

For alibi to succeed as a defense, the accused must establish by clear and convincing evidence, first, his presence at another place at the time of the perpetration of the offense, and second, the physical impossibility of his presence at the scene of the crime. [30] The concept of physical impossibility refers not only to the distance between the place where the accused was when the crime transpired and the place where it was committed, but also to the facility of access between the two places. [31] The excuse must be so airtight that it would admit of no exception. [32] Where there is the least chance for the accused to be present at the crime scene, the defense of alibi must fail. [33]

In the case at bench, the accused failed to sufficiently prove that it was physically impossible for him to have been present at the place where the crime was committed. The accused himself testified that if traffic was light, it would only take three to four hours to commute from Umingan, Pangasinan to Manila. Travel time may even be reduced significantly to less than three hours if one would travel using a private vehicle. Thus, as the CA concluded, it was physically possible for the accused to have been at the scene of the crime in Mandaluyong City in the early hours of November 12, 2001, and in Umingan, Pangasinan on the same day before noon.

The accused clearly failed to convincingly establish that he was in another place at the time of Ma. Angela's kidnapping. Both the RTC and the CA found the testimony of prosecution witnesses, Herminio and Alex, to be more credible than those of Cesista and Hombrebuena. Well-settled is the rule that the findings of the trial court on the credibility of witnesses and their testimonies are entitled to the highest respect. Having seen and heard the witnesses and having observed their behavior and manner of testifying, the trial court is deemed to have been in a better position to weigh the evidence. [34] As the accused has failed to show that the trial court misappreciated any of the facts before it, there is no reason to deviate from the established doctrine.

Juxtaposing the testimonies offered by the prosecution witnesses and the defense witnesses, the latter's recollection appears unreliable and tailor-made for the accused. This clearly militates against their credibility. Testimonial evidence should not only be given by a credible witness; it should also be credible, reasonable and in accord with human experience. As the CA observed:

x x x Defense witness Jaime [Cesista], on the other hand, merely mentioned in passing that he saw accused-appellant at 6:00 A.M. on November 12, 2001 and in the afternoon of the same date. He did not say what made him distinctly remember seeing accused-appellant during those hours, considering that he also claimed to have seen accused-appellant everyday from November 1, 2001 to November 17, 2001. It is

incredible that Rudy [Hombrebueno], the other defense witness, remembered seeing accused-appellant at 6:00 A.M. and in the afternoon of November 12, 2001 but could not recall the other persons whom he saw that day. It was only accused-appellant whom he remembered seeing for no significant reason, and he could not even recall any of the passengers who boarded his tricycle that day. [35]

The Court gives less probative weight to a defense of alibi when it is corroborated by friends and relatives, as in this case, where both corroborating witnesses are close friends of the accused. One can easily fabricate an alibi and ask friends and relatives to corroborate it. [36]

Thus, the prosecution having established beyond reasonable doubt the guilt of the accused, his conviction must be upheld.

The modification of the sentence from death to reclusion perpetua is affirmed.

The Court also affirms the downgrading of the sentence from death to reclusion perpetua in light of the passage of R.A. No. 9346, An Act Prohibiting the Imposition of the Death Penalty in the Philippines, the pertinent provisions of which provide:

SECTION 1. The imposition of the penalty of death is hereby prohibited. Accordingly, Republic Act No. Eight Thousand One Hundred Seventy-Seven (R.A. No. 8177), otherwise known as the Act Designating Death by Lethal Injection is hereby repealed. Republic Act No. Seven Thousand Six Hundred Fifty-Nine (R.A. No. 7659), otherwise known as the Death Penalty Law, and all other laws, executive orders and decrees, insofar as they impose the death penalty are hereby repealed or amended accordingly.

SEC. 2. In lieu of the death penalty, the following shall be imposed.

(a) the penalty of reclusion perpetua, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or

(b) the penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

SEC. 3. Person convicted of offenses punished with reclusion perpetua, or whose sentences will be reduced to reclusion perpetua, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.

x x x

The award of moral damages is modified in light of recent jurisprudence.

Lastly, on the matter of damages, the CA reduced the award of P2 million granted by the RTC as moral damages to P100,000.00, citing the 2004 case of *People v. Castillo* [37] and the 2007 case of *People v. Rodrigo*. [38] More recent cases, [39] however, dictate that moral damages in the amount of P200,000.00 be awarded. The award of P100,000.00 as exemplary damages is sustained.

WHEREFORE, the March 27, 2008 Decision of the Court of Appeals in CA-CR H.C.-No. 00068 is AFFIRMED with the sole MODIFICATION that the award of moral damages to private complainant and her parents is hereby ordered increased to P200,000.00.

SO ORDERED.

Carpio, (Chairperson), Leonardo-De Castro,[*] Peralta, and Abad, JJ., concur.

[*] Designated as acting member of the Second Division per Special Order No. 1006 dated June 10, 2011.

[1] Rollo, pp. 3-30. Penned by Associate Justice Hakim S. Abdulwahid, with Associate Justices Rodrigo V. Cosico and Mariflor P. Punzalan Castillo, concurring.

[2] CA rollo, pp. 34-71.

[3] Id. at 14.

[4] Rollo, p. 4.

[5] Id. at 6.

[6] Id. at. 7 and CA rollo, p. 42.

[7] Rollo, pp. 6-7.

[8] Id. at 7 and 23, citing TSN, September 24, 2002, pp. 29-30.

[9] Id. at 7.

[10] Id. at 8.

[11] Both Dr. Pineda and Ma. Aurora testified that their marriage was annulled by both the Roman Catholic Church in 1995 and by a court in 1998.

[12] Rollo, p. 9.

[13] Id. at 10.

[14] Id.

[15] Id.

[16] CA rollo, p. 71.

[17] Rollo, p. 29.

[18] CA rollo, pp. 98-115.

[19] Id. at 157-176.

[20] An Act To Impose The Death Penalty On Certain Heinous Crimes, Amending For That Purpose The Revised Penal Laws, As Amended, Other Special Penal Laws, And For Other Purposes.

[21] People v. Bringas, G.R. No. 189093, April 23, 2010, 619 SCRA 481, 509, citing People v. Mamantak, G.R. No. 174659, July 28, 2008, 560 SCRA 306, 307.

[22] Id., citing People v. Jatulan, G.R. No. 171653, April 24, 2007, 522 SCRA 174, 187.

[23] Rollo, pp. 20-23, citing TSN, September 24, 2002, pp. 11-17, 19-21, 24-26, 29-30.

[24] Id. at 24-25, citing TSN, November 26, 2002, pp. 27-30.

[25] *Id.* at 25, citing *People v. Santos*, 464 Phil. 941, 952 (2004), citing *People v. Manzano*, 422 Phil. 97, 110 (2001), and *People v. Medios*, 422 Phil. 431, 441 (2001).

[26] *People v. Ebet*, G.R. No. 181635, November 15, 2010.

[27] *People v. Tamolon and Cabagan*, G.R. No. 180169, February 27, 2009, 580 SCRA 384, 395, citing *People v. Penaso*, 383 Phil. 200, 210 (2000).

[28] *People v. Ebet*, *supra* note 26.

[29] *Rollo*, p. 25, citing *People v. Abes*, 465 Phil. 165, 185 (2004).

[30] *Id.*, citing *People v. Obrique*, 465 Phil. 221, 243 (2004).

[31] *People v. Salcedo*, G.R. No. 178272, March 14, 2011, citing *People v. Delim*, G.R. No. 175942, September 13, 2007, 533 SCRA 366, 379.

[32] *People v. Bracamonte*, 327 Phil. 160, 162 (1996).

[33] *People v. Salcedo*, *supra* note 31, citing *People v. Felipe Dela Cruz*, G.R. No. 168173, December 24, 2008, 575 SCRA 412, 439.

[34] *People v. Sally*, G.R. No. 191254, October 13, 2010, citing *People v. Ofemiano*, G.R. No. 187155, February 1, 2010, 611 SCRA 250, 256.

[35] *Rollo*, pp. 25-26.

[36] *People v. Salcedo*, *supra* note 31, citing *People v. Sumalinog, Jr.*, 466 Phil. 637, 651 (2004).

[37] G.R. No. 132895, March 10, 2004, 469 Phil. 87 (2004).

[38] G.R. No. 173022, January 23, 2007, 512 SCRA 360.

[39] *People v. Pepino*, G.R. No. 183479, June 29, 2010, 622 SCRA 293, 308; *People v. Bautista*, G.R. No. 188201, June 29, 2010, 622 SCRA 524, 547; and *People v. Bringas*, G.R. No. 189093, April 23, 2010, 619 SCRA 481, 516.

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.