

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MARITES VALERIO Y TRAJE, APPELLANT.

G.R. No. 186123. February 27, 2012

Ponente: BRION, J.

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BRION, J.:

We resolve the appeal, filed by accused Marites Valerio y Traje (appellant), from the May 22, 2008 decision of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01750.[1]

The RTC Ruling

In its May 11, 2001 decision,[2] the Regional Trial Court (RTC) of Manila, Branch 18, convicted the appellant of kidnapping,[3] committed against 3-year-old Regelyn Incabo y Canete. The trial court found that the appellant's act of taking Regelyn while the latter was playing near her house, without the knowledge or consent of her parents, constituted the crime of kidnapping a minor. It rejected the appellant's denial and gave credence to the straightforward testimony of Special Police Officer 1 (SPO1) Joselito dela Cruz who positively identified the appellant as the person holding Regelyn when he spotted her at the squatters' area near the Navotas fishport. It sentenced the appellant to suffer the penalty of reclusion perpetua.

The CA Ruling

On intermediate appellate review,[4] the CA affirmed the judgment of the RTC, giving full respect to the RTC's appreciation of the testimony of the witnesses.

In rejecting the appellant's insistence that she merely talked to Regelyn at Pier 14 to protect and prevent her from crossing the street, without any intention to kidnap her, the CA noted the appellant's actuations during the incident, particularly, that: (1) the appellant and Regelyn were already at the squatters' area of Pier 16 when SPO1 Dela Cruz spotted them several hours later; (2) the appellant was seen by SPO1 Dela Cruz not only talking to the victim, but was actually holding her; (3) the appellant did not take Regelyn to the barangay outpost in Pier 14, which was merely 11 steps away, to report that the child was probably missing, but took her to as far as Pier 16; and (4) the appellant misrepresented to SPO1 Dela Cruz that she took Regelyn to take care of her, despite the protestations of Regelyn's mother that she never entrusted Regelyn to the appellant's care.[5]

We now rule on the final review of the case.

Our Ruling

We affirm the appellant's conviction.

We find no reason to reverse the factual findings of the RTC, as affirmed by the CA. The prosecution has established the elements of kidnapping under Article 267, paragraph 4 of the Revised Penal Code, to wit: (1) the offender is a private individual; (2) he kidnaps or detains another, or in any other manner deprives the latter of his or her liberty; (3) the act of detention or kidnapping is illegal; and (4) the person kidnapped or detained is a minor,

female or a public officer.

The prosecution has adequately and satisfactorily proved that the appellant is a private individual; that the appellant took Regelyn from Pier 14 to Pier 16, without the knowledge or consent of Regelyn's parents; and that the appellant admitted Regelyn's minority and even referred to her as a "child." [6]

The prescribed penalty for kidnapping a minor under Article 267 of the Revised Penal Code, as amended by Republic Act No. 7659, is reclusion perpetua to death. Since neither aggravating nor mitigating circumstances attended the commission of the felony, the lower courts properly imposed the penalty of reclusion perpetua.

While we affirm the CA's factual findings and the imprisonment imposed, we find it necessary to award the victim P50,000.00 as civil indemnity and P50,000.00 as moral damages, in line with prevailing jurisprudence. [7] We also award the victim P30,000.00 as exemplary damages to set an example for the public good. [8]

WHEREFORE, the May 22, 2008 decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01750 is hereby **AFFIRMED** with **MODIFICATION**. Appellant Marites Valerio y Traje is found guilty beyond reasonable doubt of kidnapping a minor and sentenced to suffer the penalty of reclusion perpetua. The appellant is ordered to pay the victim, Regelyn Incabo y Canete, P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages.

SO ORDERED.

Carpio, (Chairperson), Perez, Sereno, and Reyes, JJ., concur.

[1] Penned by Associate Justice Ricardo R. Rosario, and concurred in by Associate Justices Arcangelita Romilla-Lontok and Monina Arevalo Zenarosa; rollo, pp. 3-11.

[2] Docketed as Criminal Case No. 98-165477; CA rollo, pp. 12-14.

[3] See REVISED PENAL CODE, Article 267, as amended by Section 8 of Republic Act No. 7659, otherwise known as "The Death Penalty Law."

[4] The RTC forwarded the records of the case to the Court for automatic review. However, pursuant to *People v. Mateo* (G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640), we referred the case to the CA for intermediate appellate review; CA rollo, p. 76.

[5] *Supra* note 1.

[6] TSN, June 6, 2000, p. 2.

[7] *People of the Philippines v. Jerry Jacalne y Gutierrez*, G.R. No. 168552, October 3, 2011; and *People of the Philippines v. Alberto Anticamara y Cabillo and Fernando Calaguas Fernandez a.k.a. Lando Calaguas*, G.R. No. 178771, June 8, 2011.

[8] *People of the Philippines v. PO1 Froilan L. Trestiza*, G.R. No. 193833, November 16, 2011; and *People v. Bautista*, G.R. No. 188601, June 29, 2010, 622 SCRA 524, 546.

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