

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. YUSOP TADAH, APPELLANT.

G.R. No. 186226. February 01, 2012

Ponente: BRION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-186226/>

BRION, J.:

We resolve the appeal, filed by accused Yusop Tadah (appellant), from the August 22, 2008 decision of the Court of Appeals (CA) in CA-G.R. CR HC No. 00150.[1]

The RTC Ruling

In its April 18, 2005 decision,[2] the Regional Trial Court (RTC) of Zamboanga, Branches 15 and 16, convicted the appellant[3] of five counts of kidnapping and serious illegal detention[4] committed against Gina Yang y Bersañez, 3-year old Princess Jane "Cha-Cha" Yang, Joy Sagubay, Yang Wang Tao Chiu, and Nicomedes Santa Ana. It gave credence to the straightforward testimonies of the kidnap victims, Nicomedes and Cha-Cha, then 8 years old, pointing to the appellant as one of their kidnappers. Considering the appellant's positive identification, the RTC rejected the former's defenses of denial and alibi. It noted that conspiracy attended the crime due to the concerted acts of the accused in the kidnapping. It sentenced the appellant to the death penalty for each count of kidnapping and serious illegal detention, appreciating that the accused committed the kidnapping to extort ransom, and that the accused used a motorized vehicle and motorized watercrafts to facilitate the commission of the crimes. It also ordered him to pay Bien Yang the amount of P2,000,000.00 for the ransom paid.

The CA Ruling

On intermediate appellate review, the CA affirmed the RTC's decision, giving full respect to the RTC's assessment of Nicomedes and Cha-Cha's testimony and credibility. However, pursuant to Republic Act (RA) No. 9346,[5] the CA reduced the appellant's sentence to reclusion perpetua in all five cases.[6]

We now rule on the final review of the case.

Our Ruling

We deny the appeal, but modify the penalty and awarded indemnity.

We find no reason to reverse the findings of the RTC, as affirmed by the CA. We are convinced that Nicomedes' and Cha-Cha's testimonies have amply established the case for the prosecution. No motive affecting their credibility was ever imputed against them. The appellant's positive identification as the one of the perpetrators of the crime renders his defense of alibi unworthy of credit.

Since the prosecution adduced proof beyond reasonable doubt that the accused conspired to kidnap the victims for ransom, and kidnapped and illegally detained them until they were released by the accused after the latter received the P2,000,000.00 ransom,[7] the imposable penalty is death as provided for in the second paragraph of Article 267 of the Revised Penal Code. The aggravating circumstance of using a motorized vehicle and motorized

watercrafts, while alleged and proven, cannot affect the imposable penalty because Article 63 of the Revised Penal Code states that in all cases in which the law prescribes a single indivisible penalty (like reclusion perpetua and death), it shall be applied regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

The CA correctly reduced the appellant's sentence from death penalty to reclusion perpetua considering the passage of RA No. 9346, prohibiting the imposition of the death penalty. To this, we add that the appellant shall not be eligible for parole. Under Section 3 of RA No. 9346, "[p]ersons 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."

We find it necessary to modify the appellant's civil liability. In line with prevailing jurisprudence,[8] the appellant is also liable for P75,000.00 as civil indemnity which is awarded if the crime warrants the imposition of the death penalty; P75,000.00 as moral damages because the victim is assumed to have suffered moral injuries, without need of proof; and P30,000.00 as exemplary damages to set an example for the public good, for each count of kidnapping and serious illegal detention.

WHEREFORE, the August 22, 2008 decision of the Court of Appeals in CA-G.R. CR HC No. 00150 is hereby **AFFIRMED** with **MODIFICATION**. Appellant Yusop Tadah is found guilty beyond reasonable doubt of 5 counts of kidnapping and serious illegal detention, and sentenced to suffer the penalty of reclusion perpetua, without eligibility for parole, for each count. In addition to the restitution of P2,000,000.00 for the ransom paid, the appellant is ordered to pay each of the victims the amounts of P75,000.00 as civil indemnity, P75,000.00 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 Edgardo T. Lloren, and concurred in by Associate Justices Edgardo A. Camello and Jane Aurora C. Lantion; rollo, pp. 3-15.

[2] Docketed as Criminal Case Nos. 15671-15675; CA rollo, pp. 54-88.

[3] Appellant's co-accused (Ustadz Benjie Alpada a.k.a. "Lamuddin," Abdul Mutalib Totoh, Ustadz Albani, Ismael Kulengleng, Pilih Kahal, Hamid Ali, Pusong Kamolon, Hadji Bodjang Buros, Bakal Appal a.k.a. "Back to Back Tarsan," and 9 other persons known only by their nicknames or aliases, namely: Israel, Idris, Musa, Majie, Abdullah, Lawin, Lampiao, Juman and Boy) remain at large.

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

[5] The Anti-Death Penalty Law, took effect on June 30, 2006.

[6] Supra note 1.

[7] All the victims were kidnapped on September 9, 1998; Gina, Cha-Cha and Nicomedes were released on November 21, 1998 upon the payment of a ransom of P500,000.00, while Joy and Yang Wang Tao Chiu were released sometime in January 1999 upon the payment of a ransom of P1,500,000.00.

[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.

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.