

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JO HNNY BAUTISTA Y BAUTISTA AND JERRY MORALES Y URSAL, ACCUSED. JOHNNY BAUTISTA Y BAUTISTA, ACCUSED-APPELLANT.

G.R. No. 188601. June 29, 2010

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

This is an appeal from the March 18, 2009 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01694 entitled *People of the Philippines v. Johnny Bautista y Bautista and Jerry Morales y Ursal* (accused-appellants), Roberto Yap-Obeles, Luis Miranda, John Doe @ "Roy" and John Doe @ "Centes" (accused), which affirmed the July 1, 2002 Decision in Criminal Case No. 00-2082 of the Regional Trial Court (RTC), Branch 116 in Pasay City.[2]

Accused-appellant Johnny Bautista y Bautista (Bautista) stands convicted of the crime of Kidnapping for Ransom, as defined and penalized under Article 267 of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 7659, for which he was sentenced to suffer the penalty of reclusion perpetua.

The Facts

The charge against the accused-appellant stemmed from the following Information:

That on or about November 12, 2000, in the City of Pasay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then private individuals, conspiring and confederating with each other, and mutually helping one another, together with others whose real names and/or whereabouts are still unknown, did then and there willfully, unlawfully and feloniously, for the purpose of extorting ransom from one Fritzie So and her parents/family, or of killing said Fritzie so if the desired amount of money could not be given, kidnap, and carry away, detain and deprive the said Fritzie So of her liberty without authority of law, against her will and consent.

Contrary to law.[3]

On December 21, 2000, accused-appellant Bautista, Roberto Yap-Obeles (Yap-Obeles), Celso Palapar (Palapar), and Jerry Morales (Morales), with the assistance of their counsel de parte, were arraigned and pleaded "not guilty" to the charge against them.[4] Pre-trial was then considered closed and termination.

Prior to trial on the merits, however, all of the accused separately petitioned the trial court for bail for their provisional liberty.[5] During the course of the initial hearing of the separate petitions for bail, it was mutually agreed by the parties that whatever evidence the prosecution adduces in support of its opposition will be considered to form part of its evidence in chief in the case, without prejudice to the presentation of other evidence as additional proof during the trial of the case on its merits. After presentation of evidence, the trial court resolved to deny the petitions for bail filed by the accused for lack of merit, except that of accused Yap-Obeles who was

granted bail for his temporary liberty in the amount of PhP 300,000.[6]

Likewise before trial on the merits, the prosecution sought the discharge of accused Palapar as a state witness which, after due hearing and despite the opposition of his co-accused, was granted by the trial court through a Resolution dated July 3, 2001.[7]

Trial on the merits finally commenced on March 27, 2001.

During the trial, the prosecution offered the testimonies of Fritzie So (Fritzie), Dexter So (Dexter), P/Sr. Insp. Fernando Ortega (P/Sr. Insp. Ortega), Atty. Florimond Rous (Atty. Rous) and Palapar. On the other hand, the defense presented as its witnesses Yap-Obeles, Morales, and Bautista, the accused-appellant.

Version of the Prosecution

A summary of the facts according to the prosecution is as follows:

On November 12, 2000, at around 12 noon to 1 o'clock in the afternoon, Fritzie was inside their store located at 2485 Taft Avenue, Pasay City. She was with her brothers Dexter and Kingsley So, and her mother, Lolita So, when they noticed a grey Toyota Corolla car and a black Mitsubishi Adventure going around their place. The cars were driven by men later identified as Palapar and Yap-Obeles, respectively.[8]

Yap-Obeles, a doctor by profession and a businessman, had been known to the So family for 10 years. He had also been a tenant for six months at the So family's apartment located at the back of the family's hardware store.[9]

After a while, Fritzie noticed that the Toyota Corolla stopped in front of the store while the Mitsubishi Adventure parked some two meters away. Three (3) armed men then alighted from the Toyota Corolla and entered the store. Two (2) of the armed men, later identified as Morales and accused Luis Miranda, poked their guns at Fritzie's brothers and mother and warned them not to report the incident to the police. The remaining armed man, later identified as alias "Centes," forcibly took and carried Fritzie from the store and forced her to board the Toyota Corolla. The car then sped towards the direction of Baclaran, followed by the Mitsubishi Adventure.[10]

On board the vehicle, Fritzie noticed that aside from her, there were five (5) other persons inside the car: Palapar, the driver, Morales, and three (3) other unidentified men. Fritzie was seated between Morales and an unidentified man. During the ride, Fritzie was blindfolded and the blindfold was not removed until they reached the safe house.[11]

Meanwhile, after Fritzie was abducted from the store, Dexter called up the Criminal Investigation Division (CID) of the Pasay City Police Station to report the incident but was advised to go directly to the police headquarters. At around 1:45 in the afternoon, or 15 minutes after Fritzie's abduction was reported to the police, Mrs. Lolita So received a telephone call from the armed men who informed her that they had Fritzie. Dexter also received similar calls from the kidnappers.[12]

At 2:00 in the afternoon of November 12, 2000, Dexter went to the CID of the Pasay City Police where he was referred to the Presidential Anti-Organized Crime Task Force (PAOCTF) and he was able to talk to Colonel Michael Ray Aquino (Col. Aquino) through the telephone. Col. Aquino told Dexter that his men would arrive at their house later that evening to coordinate with him.[13]

When Dexter returned home from the office of the CID, he received a call from the kidnappers who demanded PhP 8 million for the release of Fritzie. Dexter told the caller that he and his family could not raise such amount although they would try their best to look for such amount. The caller replied that Dexter better do something as he would call back and if they fail to raise the amount, Dexter would find the corpse or dead body of his sister in

Pampanga. This threat made Dexter and his mother so afraid that they could not sleep or eat thereafter.[14]

When the abductors arrived at their destination in San Nicolas, Bacoor, Cavite, Fritzie was told to alight and later brought inside a room. When the blindfold was removed, she noticed that the persons who abducted her were the same ones attending to the safe house. She identified them as Palapar, Yap-Obeles, a certain alias "Roy" and alias "Centes," Luis Miranda, Morales, and accused-appellant Bautista.

Fritzie was kept inside one of the rooms in the safe house. She was allowed to go and use the comfort room for her personal need. But while at the safe house, she noticed that all of her abductors tried to hide their faces from her but, nonetheless, she recognized and remembered one of them as accused-appellant Bautista.[15]

Later that night, one of the abductors, identified by Fritzie as the accused alias "Roy," entered her room and angrily told her that her family reported her abduction to the barangay authorities and did not make any arrangements for the payment of the ransom money. Roy then told Fritzie that they would just kill her. Because of such threat, she became so afraid that she cried for a long time for fear that she would really be killed.[16]

After several negotiations, Dexter was able to bargain for the payment of PhP 1 million ransom for the release of his sister. He agreed to meet with the kidnappers at the Magallanes Supermarket along the South Expressway at 4:00 in the afternoon on November 14, 2000. The kidnappers instructed him to lower down the windshields of his car, not to report the meeting to the police, and to bring the exact amount of ransom money in a travelling bag; otherwise, something will happen to his sister. Subsequently, the kidnappers changed the location and instead instructed him to bring the money to the Magallanes Bridge, not the Magallanes Supermarket, particularly at the broken post situated beside a billboard of Guess on top of the same bridge.[17]

When Dexter arrived at the place designated by the kidnappers, he threw the money bag along the street near the bridge, after which the kidnapper called him in his cellphone and Dexter was told to pick up the bag and throw it on the road underneath the bridge. As instructed, Dexter dropped the bag and he suddenly saw someone catch the bag. He later identified accused-appellant Bautista as the person who caught the bag.[18]

After delivering the ransom money, Dexter went home. Thereupon, he received a call from the kidnapper telling him that the money was complete and that his sister, Fritzie, would be released after an hour. The kidnappers gave Fritzie PhP 1,000 for taxi fare and at around 8:30 in the evening of November 14, 2000, she finally arrived home.[19]

That night, alias "Roy" received a phone call from Yap-Obeles instructing him to go to his (Yap-Obeles) warehouse in Paco, Manila. Roy answered that he would instead send Palapar. Upon Roy's instructions, Palapar went to the warehouse and found Yap-Obeles, accused-appellant, and accused-appellant's sister, Doris, who is also Yap-Obeles' wife, waiting for him. Yap-Obeles and Doris gave Palapar PhP 300,000 wrapped in a yellow plastic bag, with instructions to deliver it to Roy as his share in the ransom money. Palapar did as told and was in turn given PhP 7,000 by Roy as payment for his services as the driver of the group.[20]

On November 15, 2000, two teams were designated by Col. Cesar Mancao of the PAOCTF to investigate the kidnapping of Fritzie. One team was headed by P/Sr. Insp. Ortega and the other by P/Col. Tucay. The following day, at about 4:00 in the morning, Col. Mancao conducted a briefing of the teams informing them that the PAOCTF was able to trace a call made by Palapar to a certain Marilyn Pena, a reported neighbor of Palapar.[21] The teams were then sent to scout the area and found a person fitting the description of Palapar. Palapar informed P/Col. Tucay that he would cooperate with the task force in the apprehension of the persons involved in the kidnapping.

Palapar disclosed that the plan to kidnap Fritzie was hatched in a meeting among the group which, among others,

included Yap-Obeles and Bautista.[22] Further, he narrated that on November 10, 2000, he, Luis Miranda, and Roy even went to the hardware store of the victim to familiarize themselves with the appearance of Fritzie and with the vicinity of the hardware store.[23] He pointed to Yap-Obeles as the mastermind and financier of the kidnapping and also mentioned the names and whereabouts of the other persons involved in the kidnapping.

Relying on this information, the teams proceeded to Pier 4, North Harbor to search for a certain person, who was subsequently identified as Morales. They proceeded to a house pointed to by Palapar as the residence of Morales, but the person who opened the door of the house was not Morales. Instead, this person pointed to the whereabouts of Morales, and he (Morales) was subsequently invited by the team of PAOCTF officers to give his side on his alleged involvement in the kidnapping incident.[24]

Next, the teams proceeded to locate a certain Yap-Obeles at 321 Southway Mansion in Manila and likewise invited him to go to Camp Crame. As a last stop, the team of P/Sr. Insp. Ortega dropped by the warehouse of Yap-Obeles at Paco, Manila to retrieve the motor vehicle and the red scooter involved in the kidnapping incident. At the warehouse, they met Yap-Obeles' wife, Doris Bautista, and asked her permission to bring both the scooter and the Mitsubishi Adventure to their office. Doris Bautista agreed and both vehicles were turned over to the Legal Investigation Division after said team arrived at the PAOCTF office in Camp Crame.[25]

The police then went after Roy, who was able to escape.[26] Bautista, on the other hand, was persuaded by his younger brother to surrender.[27]

The following day, the police called up Dexter saying that certain persons surrendered and others were arrested. He was requested to go to Camp Crame to identify the suspects. Upon arriving at Camp Crame, Dexter was shown a police line up and he identified two persons: first, accused-appellant Bautista as the one who received the money; and second, Yap-Obeles as the driver of the black Mitsubishi Adventure who followed the Toyota Corolla car that carried away his sister.[28]

Version of the Defense

Bautista's defense, on the other hand, was confined to an alibi, to wit:

In the evening of November 11, 2000, accused-appellant and his live-in partner, Janet Arida (Janet), left Manila on board a gray Honda City to attend the town fiesta in Gumaca which was scheduled on November 12, 2000. He stayed at Janet's house in Barangay Progreso, Gumaca, Quezon the entire day and only left for Manila the following day, November 13, 2000 at around 4:00 in the morning. He then reported for work the next day, November 14, 2000, at the Almighty Trading Corporation in Paco, Manila, a corporation owned by the family of Yap-Obeles, the husband of his younger sister, Doris.[29]

He denied knowledge of any of the accused, except Yap-Obeles, because of his marriage to his sister. But, he admitted that he fled to Bicol when he learned that Yap-Obeles was arrested fearing that he might be implicated as he was an employee of Yap-Obeles. Further, he admitted that he rented a vehicle for Yap-Obeles at a rent-a-car company and the said vehicle was delivered on November 10 or 11, 2000. Yap-Obeles allegedly provided the rent money.[30]

But contrary to his initial testimony, the accused-appellant subsequently admitted knowing Palapar as early as second week of October 2000 when the latter went to the warehouse where accused-appellant was working. With the help of his younger brother and a certain Police Inspector Moya, accused-appellant eventually surrendered.[31]

His alibi was corroborated by the mother of his live-in partner, Ludivina Arida. She testified that

accused-appellant was indeed with her daughter on November 12, 2000 attending the fiesta, and that he left early in the morning of November 13, 2000.

Ruling of the Trial Court

After trial, the RTC convicted the appellant. The dispositive portion of the Decision reads:

WHEREFORE, in light of the foregoing facts and considerations, this Court hereby renders judgment finding the accused Roberto Yap-Obeles, Johnny Bautista y Bautista and Jerry Morales y Ursal all GUILTY beyond reasonable doubt as principals in the crime of Kidnapping for Ransom, as this felony is defined and penalized under Article 267 of the Revised Penal Code, as amended by Republic Act No. 7659, and are sentenced each to death. The same accused are further ordered to restore and to pay jointly and severally the family of the victim Fritzie So the sum of Php1,000,000.00, by way of restitution, and the sum of Php200,000.00, as moral damages, plus costs of suit.

x x x x

SO ORDERED.[32]

Ruling of the Appellate Court

On March 18, 2009, the CA affirmed the judgment of the lower court with a modification as to the penalty. The CA noted that the passage of Republic Act No. 9346, otherwise known as "An Act Prohibiting the Imposition of the Death Penalty in the Philippines," effectively proscribed the imposition of the death penalty. In lieu of which, the CA imposed reclusion perpetua without eligibility of parole, notwithstanding the mitigating circumstance of voluntary surrender. The CA reasoned that a single indivisible penalty, like reclusion perpetua, is "applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed"[33]. The dispositive portion of the Decision reads:

WHEREFORE, the appealed Decision is affirmed with the MODIFICATION that appellants are each sentenced to reclusion perpetua. Costs against the appellants.

SO ORDERED.[34]

The Issues

Bautista contends in his Brief that:[35]

1. The court a quo gravely erred in giving full credence to the testimonies of the prosecution witnesses;
2. Assuming arguendo that the accused-appellant is guilty, the court a quo gravely erred in finding that the accused-appellant acted in conspiracy with the other co-accused and in not finding that his participation in the commission of the crime was as a mere accomplice.[36]

The Court's Ruling

We sustain appellant's conviction.

Factual Findings of the Trial

Court should be Respected

In his Brief, accused-appellant argues that the trial court failed to consider several inconsistencies in the testimonies of the victim. Notably, he pounds on the fact that on cross-examination Fritzie stated that she had no personal knowledge of the participation of the accused-appellant in the alleged kidnapping for ransom. It is his position that Fritzie's identification was merely derived from the confession of the state witness, Palapar.

In addition, accused-appellant asserts that the trial court also failed to consider the material inconsistencies of the testimony of the victim's brother, Dexter, with regard to his (accused-appellant's) identification as the recipient of the ransom money.

We do not agree.

After a careful perusal of the records of this case, this Court finds no cogent reason to question the trial court's assessment of the credibility of the witnesses.

It is a well-entrenched doctrine that the assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses first hand and note their demeanor, conduct and attitude under grilling examination.[37] The trial court has the singular opportunity to observe the witnesses "through the different indicators of truthfulness or falsehood, such as the angry flush of an insisted assertion or the sudden pallor of a discovered lie or the tremulous mutter of a reluctant answer or the forthright tone of a ready reply; or the furtive glance, the blush of conscious shame, the hesitation, the sincere or the flippant or sneering tone, the heat, the calmness, the yawn, the sign, the candor or lack of it, the scant or full realization of the solemnity of an oath, the carriage and mien." [38]

This rule admits of exceptions, however, such as when the trial court's findings of facts and conclusions are not supported by the evidence on record, or when certain facts of substance and value, likely to change the outcome of the case have been overlooked by the lower court, or when the assailed decision is based on a misapprehension of facts.[39] None of these exceptions exists in this case.

Moreover, the alleged inconsistencies in the declarations and testimony of the witnesses were sufficiently explained. The reason why Fritzie's affidavit did not mention accused-appellant's participation was because the affidavit was only limited to those who participated in the actual kidnapping. Likewise, as to the specific role of accused-appellant, Fritzie could only testify on what she heard about this from Palapar who was privy to the conspiracy to kidnap her. However, Fritzie categorically affirmed in open court that accused-appellant was among those who guarded her in the safe house. This observation indicates the complicity of accused-appellant in the kidnapping.

As to Dexter's contradicting affidavit and testimony, this was more than adequately explained, as well, when he testified in open court that his statement in the affidavit did not mean that he had no opportunity to recognize accused-appellant Bautista as the person who received the ransom money. It only mean that he will be able to identify the accused-appellant if he saw him again, viz:

COURT:

Q: So would you still insist that you recognized Bautista as the one who caught (sic) or received the bag of money?

A: Yes, your honor.

Q: Then if you insist now that it was Bautista who caught (sic) or received the money, why is it that in your sworn statement you did not mention it and you mentioned that you did not recognize the one who received the money?

A: When I threw the bag, I did not closely see him but when I see him again I can identify him, you Honor.[40] (Emphasis supplied.)

It is quite common for a witness to recognize a malefactor better when there is a face-to-face confrontation during the hearing. Jurisprudence is cognizant of this situation.[41]

Therefor, such testimonies prevail over the affidavits previously executed by the witnesses. It is settled that whenever there is inconsistency between the affidavit and the testimony of a witness in court, the testimony commands greater weight considering that affidavits taken ex parte are inferior to testimony given in court, the former being almost invariably incomplete and oftentimes inaccurate.[42]

Additionally, accused-appellant cannot plausibly bank on the minor inconsistencies in the testimonies, even if they do exist because such minor and insignificant inconsistencies tend to bolster, rather than weaken, the credibility of the witness for they show that his testimony was not contrived or rehearsed.[43] Trivial inconsistencies do not rock the pedestal upon which the credibility of the witness rests, but enhances credibility as they manifest spontaneity and lack of scheming.[44]

Furthermore, accused-appellant was unable to prove any ill motive on the part of the prosecution witnesses. The presumption is that their testimonies were not moved by any ill will and was untainted by bias, and thus entitled to full faith and credit.[45]

Conspiracy was present

In addition, accused-appellant submits that his participation in the commission of the crime was merely that of an accomplice and that the finding of the trial court of conspiracy is in error. He argues that the prosecution failed miserably to prove the existence of a conspiracy.

We disagree.

Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[46] Where all the accused acted in concert at the time of the commission of the offense, and it is shown by such acts that they had the same purpose or common design and were united in its execution, conspiracy is sufficiently established.[47] It must be shown that all participants performed specific acts with such closeness and coordination as to indicate a common purpose or design to commit the felony.[48]

In *People v. Pagalasan*, the Court elaborately discussed the concept of conspiracy, to wit:

Judge Learned Hand once called conspiracy "the darling of the modern prosecutor's nursery." There is conspiracy when two or more persons agree to commit a felony and decide to commit it. Conspiracy as a mode of incurring criminal liability must be proven separately from and with the same quantum of proof as the crime itself. Conspiracy need not be proven by direct evidence. After all, secrecy and concealment are essential features of a successful conspiracy. Conspiracies are clandestine in nature. It may be inferred from the conduct of the accused before, during and after the commission of the crime, showing that they had acted with a common purpose and design. Paraphrasing the decision of the English Court in *Regina v. Murphy*, conspiracy may be implied if it is proved that two or more persons aimed by their acts towards the accomplishment of the same unlawful object, each doing a part so that their combined acts, though apparently independent of each other, were, in fact, connected and cooperative, indicating a closeness of personal association and a concurrence of sentiment. To hold an accused guilty as a co-principal by reason of conspiracy, he must be shown to have performed an overt act in pursuance or furtherance of the complicity. There must be intentional participation in the transaction with a view to the furtherance of the common design and purpose.

The United States Supreme Court in *Braverman v. United States*, held that the precise nature and extent of the conspiracy must be determined by reference to the agreement which embraces and defines its objects. For one thing, the temporal dimension of the conspiracy is of particular importance. Settled as a rule of law is that the conspiracy continues until the object is attained, unless in the meantime the conspirator abandons the conspiracy or is arrested. There is authority to the effect that the conspiracy ends at the moment of any conspirator's arrest, on the presumption, albeit rebuttable, that at the moment the conspiracy has been thwarted, no other overt act contributing to the conspiracy can possibly take place, at least as far as the arrested

conspirator is concerned. The longer a conspiracy is deemed to continue, the greater the chances that additional persons will be found to have joined it. There is also the possibility that as the conspiracy continues, there may occur new overt acts. If the conspiracy has not yet ended, then the hearsay acts and declarations of one conspirator will be admissible against the other conspirators and one conspirator may be held liable for substantive crimes committed by the others.

Each conspirator is responsible for everything done by his confederates which follows incidentally in the execution of a common design as one of its probable and natural consequences even though it was not intended as part of the original design. Responsibility of a conspirator is not confined to the accomplishment of a particular purpose of conspiracy but extends to collateral acts and offenses incident to and growing out of the purpose intended. Conspirators are held to have intended the consequences of their acts and by purposely engaging in conspiracy which necessarily and directly produces a prohibited result that they are in contemplation of law, charged with intending the result. Conspirators are necessarily liable for the acts of another conspirator even though such act differs radically and substantively from that which they intended to commit.[49] x x x (Emphasis supplied.)

Evidently, to hold an accused guilty as a co-principal by reason of conspiracy, he must be shown to have performed an overt act in pursuance or furtherance of the complicity. There must be intentional participation in the transaction with a view to the furtherance of the common design and purpose. Responsibility of a conspirator is not confined to the accomplishment of a particular purpose of conspiracy but extends to collateral acts and offenses incident to and growing out of the purpose intended.

In this case, the evidence on record inscrutably shows the existence of a conspiracy between accused-appellant and his co-accused. The testimony of the state witness Palapar was replete with instances of accused-appellant's involvement with the kidnapping group considering: (a) accused-appellant was present at Chowking Malate when the kidnapping was being planned with the group;[50] (b) he was also with the group of Yap-Obeles immediately after the kidnapping attempt on a certain trader was foiled;[51] (c) he was the one who rented the gray Toyota Corolla that was used in the kidnapping;[52] and (d) he was likewise present with Yap-Obeles and his wife, Doris, when the couple asked Palapar to deliver Roy's share of the ransom money.[53]

Taking these facts in conjunction with the testimony of Dexter, who testified that accused-appellant was the one who received the ransom money and apparently, was also the one giving him instructions, and that of Fritzie, who testified that accused-appellant was one of her guards at the safe house, then the commonality of purpose of the acts of accused-appellant together with the other accused can no longer be denied. Such acts have the common design or purpose to commit the felony of kidnapping for ransom.

Thus, accused-appellants' argument that he is a mere accomplice must fail. He is liable as a principal for being a co-conspirator in the crime of Kidnapping for Ransom under Art. 267 of the RPC, as amended by R.A. 7659, which 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 five 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, female or a public officer.

The penalty shall be death penalty 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.

The prosecution has proved that the motive for the kidnapping was indeed to obtain ransom money for the victim. Ransom is money, price or consideration paid or demanded for the redemption of a captured person or persons; a payment that releases from captivity.[54] In the instant case, the testimonies of the witnesses were more than sufficient to satisfy the motive of the accused-appellant and his co-conspirators to obtain ransom money from the victim's family.

Defense of Alibi cannot Stand

In a last attempt to avoid liability, accused-appellant relays an alibi, which, according to him, would be sufficient to acquit him when taken in light of his other arguments. The Court is not persuaded.

Consistently, this Court has declared that for the defense of alibi to prosper, the defense must establish the physical impossibility for the accused to be present at the scene of the crime at the time of the commission thereof.[55] The facts in this case illustrate that there was no physical impossibility for the accused-appellant to be at the scene of the crime, considering that Manila is just a short ride away from Gumaca, Quezon.

Physical impossibility takes into consideration not only the geographical distance between the scene of the crime and the place where the accused-appellant maintains where he was at, but more importantly, the accessibility between these two points - how this distance translates to number of hours of travel.[56] Geographical distances may be taken judicial notice of, but this alone will not suffice for purposes of proving an alibi.[57]

What is more, alibi is considered as one of the weakest defenses not only due to its inherent weakness and unreliability, but also because it is easy to fabricate.[58] Nothing is more settled in criminal law jurisprudence than the doctrine that alibi cannot prevail over the positive and categorical testimony and identification of the accused by the complainant.[59] Such is the situation in the instant case. Accused-appellant was positively and categorically identified not only by the victim but as well as her brother. As has been consistently ruled by this Court, an affirmative testimony is far stronger than a negative testimony especially when it comes from the mouth of a credible witness and alibi, if not substantiated by clear and convincing evidence, is negative and self-serving evidence undeserving of weight in law.[60]

It should be noted that accused-appellant fled to Bicol when he learned that Yap-Obeles was arrested by the authorities.[61] In *People v. Deduyo*,[62] this Court said that flight by the accused clearly evinces "consciousness of guilt and a silent admission of culpability. Indeed, the wicked flee when no man pursueth, but the innocent are as bold as lion." [63]

In conclusion, in criminal cases such as the one on hand, the prosecution is not required show the guilt of the accused with absolute certainty. Only moral certainty is demanded, or that degree of proof which, to an unprejudiced mind, produces conviction.[64] We find that the prosecution has discharged its burden of proving the guilt of the accused-appellant for the crime of Kidnapping for Ransom with moral certainty.

With respect to the award of damages, the prevailing jurisprudence[65] dictates the following amounts to be imposed: PhP 75,000 as civil indemnity which is awarded if the crime warrants the imposition of death penalty; PhP 75,000 as moral damages because the victim is assumed to have suffered moral injuries, without need of proof; and PhP 30,000 as exemplary damages.

Even though the penalty of death was not imposed, the civil indemnity of PhP 75,000 is still proper because the said award is not dependent on the actual imposition of the death penalty but on the fact that qualifying circumstances warranting the imposition of the death penalty attended the commission of the offense.[66]

Instead of the usual award of PhP 75,000 as moral damages without need of proof, this Court, however, sustains the award of the RTC of PhP 200,000 as moral damages for the ignominy and sufferings of Fritzie and her family have suffered due to the accused-appellant's act of detaining the victim in blindfold and mentally torturing her and her family into raising the ransom money.

And to set an example for the public good, accused-appellant should pay the victim PhP 30,000 as exemplary damages following prevailing jurisprudence.

WHEREFORE, the appeal is DENIED. The Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01694 finding accused-appellant Johnny Bautista guilty of the crime charged is AFFIRMED with MODIFICATION. In addition to the sum of PhP 1,000,000 as restitution for the ransom money and PhP 200,000 as moral damages, accused-appellant is likewise ordered to pay the victim the amount of PhP 75,000 as civil indemnity and PhP 30,000 as exemplary damages.

SO ORDERED.

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

[1] Rollo, pp. 2-25. Penned by Associate Justice Ricardo R. Rosario and concurred in by Associate Justices Edgardo P. Cruz and Vicente S.E. Veloso.

[2] CA rollo, pp. 43-80. Penned by Judge Eleuterio F. Guerrero.

[3] Records, pp. 2-3.

[4] CA rollo, p. 44.

[5] Id. at 44-45.

[6] Id. at 45.

[7] Records, pp. 322-329.

[8] TSN, January 31, 2001, pp. 5-6.

[9] Id. at 26-27.

[10] Id. at 7; TSN, March 27, 2001, pp. 16-23; CA rollo, p. 46.

[11] TSN, January 31, 2001, p. 39; CA rollo, p. 46.

[12] TSN, March 27, 2001, pp. 24-25.

[13] CA rollo, p. 47.

[14] TSN, March 27, 2001, pp. 32-40.

[15] TSN, January 31, 2001, pp. 11-14.

[16] CA rollo, p. 46.

- [17] TSN, March 27, 2001, pp. 32-40.
- [18] Id. at 40-51.
- [19] CA rollo, p. 47.
- [20] TSN, August 13, 2001, pp. 36-44.
- [21] TSN, February 14, 2001, pp. 14-15 and 42-44; TSN, August 14, 2001, pp. 32-34.
- [22] TSN, September 5, 2001, pp. 18, 19, 21 and 25.
- [23] TSN, March 27, 2001, p. 7.
- [24] TSN, February 14, 2001, pp. 16-24 and 44-49; August 13, 2001, pp. 50-53.
- [25] TSN, February 14, 2001, pp. 24-33.
- [26] TSN, August 14, 2001, p. 6.
- [27] TSN, October 18, 2001, pp. 15-17.
- [28] CA rollo, p. 48.
- [29] Rollo, p. 12.
- [30] Id.
- [31] Id.
- [32] CA rollo, pp. 22-23.
- [33] Rollo, p. 24.
- [34] Id. at 11.
- [35] CA rollo, pp. 196-225.
- [36] Id. at 198-199.
- [37] *People v. Bantiling*, G.R. No. 136017, November 15, 2001, 369 SCRA 47.
- [38] *People v. Yambot*, G.R. No. 120350, October 13, 2000, 343 SCRA 20.
- [39] *People v. Burgos*, G.R. No. 117451, September 29, 1997, 279 SCRA 697.
- [40] TSN, March 27, 2001, p. 90.
- [41] *People v. Eduardo Pavillare*, G.R. No. 129970, April 5, 2000, 329 SCRA 684.
- [42] *People v. Garcia*, G.R. No. 139753, May 7, 2002, 381 SCRA 722.
- [43] *People v. Sagun*, G.R. No. 110554, February 19, 1999, 303 SCRA 382, 397.
- [44] *People v. Cristobal*, G.R. No. 116279, January 29, 1996, 252 SCRA 507, 517.
- [45] *People v. Quilang*, G.R. Nos. 123265-66, August 12, 1999, 312 SCRA 314.
- [46] *People v. Bacungay*, G.R. No. 125017, March 12, 2002, 379 SCRA 22.
- [47] *People v. Tejero*, G.R. No. 135050, April 19, 2002, 381 SCRA 382, 390.

- [48] *People v. Dy*, G.R. Nos. 115236-37, January 27, 2002, 375 SCRA 15, 47.
- [49] *People v. Pagalasan*, G.R. Nos. 131926 & 138991, June 18, 2003.
- [50] TSN, September 5, 2001, pp. 18-19.
- [51] TSN, August 14, 2001, p. 46.
- [52] TSN, September 5, 2001, p. 20.
- [53] TSN, August 13, 2001, pp. 36-44.
- [54] *Corpus Juris Secundum*, 458; 36 Words and Phrases, 102.
- [55] *People v. Guzman*, G.R. No. 169246, January 26, 2007, 513 SCRA 156, 171-172; *People v. Ramos*, G.R. No. 125898, April 14, 2004; *People v. Abes*, G.R. No. 138937, January 20, 2004, 420 SCRA 259, 274; *People v. Colonia*, G.R. No. G.R. No. 138541, June 12, 2003; *People v. Babac*, G.R. No. 97932, December 23, 1991.
- [56] *People v. Mamarion*, G.R. No. 137554, October 1, 2003, 412 SCRA 47; citing *People v. Gomez*, G.R. No. 132171, May 31, 2000, 332 SCRA 661, 669.
- [57] *Id.*
- [58] *People v. Torres*, G.R. No. 176262, September 11, 2007, 532 SCRA 654; *People v. Santiago*, G.R. No. 175326, November 28, 2007, 539 SCRA 198.
- [59] *People v. Gingos*, G.R. No. 176632, September 11, 2007, 532 SCRA 670, 683.
- [60] *People v. Tumalak*, G.R. No. 177299, November 28, 2007, 539 SCRA 296.
- [61] TSN, October 18, 2001, p. 15.
- [62] G.R. No. 138456, October 23, 2003, 414 SCRA 146, 162.
- [63] *People v. Deduyo*, G.R. No. 138456, October 23, 2003, 414 SCRA 146, 162.
- [64] RULES OF COURT, Rule 133, Sec. 2.
- [65] *People v. Sarcia*, G.R. No. 169641, September 10, 2009; *People v. Abellera*, G.R. No. 166617, July 3, 2007; *People v. Danilo Sia y Binghay*, G.R. No. 174059, February 27, 2009; *People v. Salome*, G.R. No. 169077, August 31, 2006, 500 SCRA 659; *People v. Quiachon*, G.R. No. 170236, August 31, 2006, 500 SCRA 704.
- [66] *People v. Victor*, 354 Phil. 195, 209 (1998).

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