

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CHRISTOPHER BRINGAS Y GARCIA, BRYAN BRINGAS Y GARCIA,
JOHN ROBERT NAVARRO Y CRUZ, ERICKSON PAJARILLO Y BASER
(DECEASED), AND E...**

G.R. No. 189093. April 23, 2010

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

In the instant appeal,[1] accused-appellants John Robert Navarro y Cruz, Christopher Bringas y Garcia, Bryan Bringas y Garcia, and Eden Sy Chung seek their acquittal by a reversal of the January 3, 2006 Decision[2] and June 6, 2007 Resolution[3] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00911, which affirmed their earlier conviction by the Regional Trial Court (RTC), Branch 258 in Parañaque City for violation of Republic Act No. (RA) 6539 (Carnapping) and for violation of Article 267 of the Revised Penal Code (RPC) (Kidnapping for Ransom) in Criminal Case Nos. 95-136 and 95-137, respectively.

The Facts

On April 28, 1995, accused-appellants Christopher Bringas y Garcia alias "Jimboy," John Robert Navarro y Cruz alias "Jun," Dennis Ticsay y Peña alias "Peng," Aruel Ross y Picardo, Bryan Bringas y Garcia alias "Bobby," Roger Calaguas y Jimenez alias "Bronson," Ericson Pajarillo[4] y Baser alias "Erick," Edgardo Sulayao y Petilla alias "Eddie," Eden Sy Chung alias "Kim," Glen Sangalang, and Ricky Castillo were indicted for Carnapping or violation of RA 6539. The Information[5] in Criminal Case No. 95-136 reads:

That at about 1:30 in the afternoon of December 14, 1994 at Marina Subdivision, Municipality of Parañaque and within the jurisdiction of this Honorable Court the above-named accused, conspiring, confederating and mutually helping one another, while in the process of executing their criminal design to kidnap for ransom a minor child named PATRICK TENG, with intent to gain and with violence and intimidation, did then and there, take a motor vehicle, Toyota Corolla, with Plate No. TNK-782, owned by Erick Teng.

CONTRARY TO LAW.

The same accused were likewise indicted for Kidnapping for Ransom or violation of Art. 267 of the RPC. The Information[6] in Criminal Case No. 95-137 reads:

That at about 1:30 in the afternoon of December 14, 1994 at Marina Subdivision, Municipality of Parañaque and within the jurisdiction of this Honorable Court the above-named accused, conspiring, confederating and mutually helping one another, did then and there take, carry away and kidnap a minor, PATRICK TENG, against his will and detained him for the purpose of extorting ransom for his release which was effected after payment by his parents of the amount of TWO MILLION FIVE HUNDRED THOUSAND PESOS (P2.5 Million) to the damage and prejudice of aforementioned victim and his parents.

CONTRARY TO LAW.

Jason Rosales, a member of the group, was not included in both indictments as he was utilized as state witness and placed under the Witness Protection Program of the Government.

Except for Glen Sangalang and Ricky Castillo who remain at large, the rest of the accused were apprehended. When arraigned on September 28, 1995, the apprehended accused, assisted by their respective counsels, uniformly entered a plea of "not guilty."

To substantiate the accusations, the prosecution presented the testimonies of: (1) Rosales (state witness); (2) Maricel Hipos, house-helper of Eric Teng; (3) Police Chief Inspector Gilbert C. Cruz of the Philippine Anti-Crime Commission (PACC); (4) Police Chief Inspector Michael Ray Aquino of Task Force Habagat; (5) Police Chief Inspector Paul Tucay of Task Force Habagat; (6) Eric, the father of the minor kidnap victim Patrick Teng; and (7) Antonio Nebrida (Tony) of PTV 4.

Version of the Prosecution

Culled from the records, the People's version of the incident is synthesized as follows:

That sometime around 11:30 a.m. on December 14, 1994, Eric's house helper Maricel received a phone call purportedly from Eric's brother-in-law, Johnson, informing that a gift will be delivered for Patrick, and she was instructed to wait for the driver who will be arriving soon.[7] At around 1:30 p.m., the doorbell rang and Maricel went to check the gate.[8] When she asked who it was, the men outside answered that they were delivering the gift for Patrick from Johnson.[9] Peering through the gate she saw two men,[10] whom she came to know later on to be Rosales and Calaguas with the latter holding a large gift in Christmas wrapper.[11] Since the gift could not fit the aperture in the gate, Maricel opened the gate.[12]

Calaguas then poked a gun at Maricel and pulled her towards Eric's house.[13] She was made to knock at the front door which was opened by Sweeney, the sister of Eric.[14] Maricel, Sweeney, and the other house helpers, Dina and Melanie, were herded by Calaguas to the children's room at the second floor together with Eric's children, Patrick and Mikee.[15] While on the stairway, Rosales asked for the key to Eric's car.[16] Maricel was then gagged with packing tape by Pajarillo,[17] and the three of them went down.[18] Maricel pointed to the car key in the kitchen.[19] Thereafter, Maricel was brought upstairs to the children's room by Pajarillo.[20] Already inside the children's room were Sulayao and Calaguas.[21] Pajarillo then tied the hands and feet of Maricel,[22] while the others did the same to Sweeney, Dina and Melanie.[23] However, Dina's feet were not tied.[24] One of the men said "kunin na ninyo ang bata." [25] Maricel identified Ross as among those who took Patrick.[26] The kidnappers also took Eric's red Toyota Corolla (Model GLI 1994).[27]

After the kidnappers left, Dina looked for a pair of scissors.[28] After the girls extricated themselves from their bindings, they immediately called Kim Teng (Kimbol), the brother of Eric, who rushed to Eric's house.[29] Shortly thereafter, at around 2:30 p.m., Kimbol called Eric to tell him about the kidnapping of his son, Patrick.[30] Eric rushed home.[31] At around 3:10 p.m., Eric received the first call from one of the kidnappers (negotiator) demanding a ransom of PhP 10 million for his son and ordered him not to report the matter to the police else Patrick will be harmed.[32] A friend of the grandparents of Patrick, however, reported the kidnapping to the PACC Special Operations Task Force Habagat.[33]

While Eric was trying to pool resources from friends and relatives, he continued receiving calls from the same negotiator urging him to cooperate.[34] At about 4:00 p.m., Eric received a call from Gen. Panfilo Lacson, then head of the PACC Special Operations Task Force Habagat.[35] Eric was only able to raise PhP 200,000 that afternoon.[36]

Through another call, the negotiator instructed Eric to produce six individuals for them to interview and choose from to deliver the money, the qualifications given was "kailangang matalik ninyong kaibigan na mapapagkatiwalan ng pera, hindi ninyo kamag-anak, mukhang instik at marunung managalog."^[37] The negotiator gave his name as Eric.^[38] They then called Racquel Chung, the wife of Eden Sy Chung (Chung), asking if Chung could help.^[39] Imelda, Eric's wife, was able to talk to Chung who was willing to help deliver the money if selected.^[40] At around 10:00 p.m., Eric again received a call from the negotiator which was followed by another call, this time by a different person.^[41]

The next day, December 15, 1994, at 8:00 a.m., Chung arrived.^[42] Chung encouraged Eric to pay the ransom as soon as possible.^[43] Thereafter, Eric received so many calls but was able to identify the negotiator's voice. Upon query on the six individuals, he informed the negotiator that they could only come up with two: Chung and John Tuang.^[44] The negotiator interviewed both Chung and John Tuang on the phone.^[45] By lunchtime, the ransom was reduced to PhP 8 million,^[46] which was further reduced to PhP 5 million at 4:00 p.m.^[47] But Eric still could not raise the amount. After dinner, the negotiator instructed Chung and John Tuang to go home.^[48] Chung borrowed Eric's car.^[49] Thereafter, they received another call threatening, "puputulin ko ang daliri ng anak mo, puputulin ko ang bayag ng anak mo papatayin ko kayo."^[50]

After a while, the negotiator called again demanding for Chung to come back, and Chung came back to the Teng's residence at around 8:00 p.m.^[51] Eric was then instructed to have the ransom money delivered, which at that time was significantly reduced to PhP 2.5 million and which he was able to raise that day.^[52] It was to be placed in a box and gift wrapped.^[53] Chung was instructed by the negotiator to deliver the ransom money at the Quezon Memorial Circle near GSIS.^[54] Chung then took Eric's two-door Honda Civic with Plate No. TGH 439.^[55]

On the way, Chung called Eric telling him that he was intercepted by two cars which he had to follow.^[56] The PACC operatives tailing Chung who were on radio contact with the PACC, however, belied Chung's allegation of interception.^[57] The PACC then suspected Chung to be in cahoots with the kidnappers.^[58] Gen. Lacson thereafter instructed Eric to delay Chung upon his return.^[59] Eventually, Chung, bringing Patrick, arrived at Eric's place past midnight.^[60] Chung reported to Eric that "hinarang ako inipit ako sa dalawang kotse at nakita ko si Johnson sa isa sa mga sasakyan."^[61] Five minutes after Chung's arrival, Gen. Lacson and his men arrived and arrested Chung.^[62]

A few hours thereafter, at around 4:00 a.m. of December 16, 1994, Eric received a call from Gen. Lacson informing him that the ransom money was recovered except for PhP 100,000 which was given by Chung to Navarro.^[63] At around noon of December 16, 1994, Eric again received a call from the PACC informing him that Chung wanted to talk to him.^[64] Chung apologized to Eric saying, "Sorry, ginawa ko sa inyo ito, napipilitan lang ako" and "[T]utulong naman ako sa PACC ibinigay ko na yung dalawang pangalan."^[65] Chung named Navarro and Jimboy Bringas.^[66] At 4:00 p.m. of December 16, 1994, Eric again received a call from the PACC confirming the arrest of both Navarro and Jimboy Bringas.^[67] And, later, at 9:00 p.m., the PACC further informed Eric that they have arrested the other kidnappers who were pointed out by Jimboy Bringas.^[68] Moreover, Eric's red Toyota Corolla was likewise recovered.^[69]

During the December 17, 1994 press conference at the PACC Headquarters in Camp Crame, Eric recognized the voice of the negotiator among the kidnappers whom he identified later on to be that of Navarro.^[70] In the same press conference, Navarro admitted to the media that he made three calls to the Teng family regarding the ransom and that Pajarillo likewise admitted to the media that Chung supplied them with handguns except the ammunition.^[71] Eric Teng was able to tape segments of the news aired over Channels 2 and 4 covering the admissions of Navarro and Pajarillo.^[72]

Tony of PTV 4 testified[73] that he was the newscaster of PTV 4 of the December 17, 1994 evening news edition that what was taped by Eric Teng.

Police Chief Inspector Aquino was the Operations Chief of the PACC Task Force Habagat who coordinated the operation, monitoring and response to the kidnapping of Patrick Teng; he assigned Police Senior Inspector Rolando Mendoza to secure the house of Eric Teng and monitor the communications with the negotiator of the kidnappers.[74] Police Chief Inspector Cruz was the one who led a team in arresting Navarro and Jimboy Bringas at around half past 1:00 p.m. on December 16, 1994 in the vicinity of Malate.[75] And Police Chief Inspector Tucay was the team leader who led the team which tailed Chung in the evening of December 15, 1994 to the house of Chung's mother, the Bowling Inn and Philippine Westin Plaza; and also led the team in the afternoon and evening of December 16, 1994 in arresting Calaguas, Sulayao, Ross, Pajarillo, Bobby Bringas and Dennis Ticsay in Pampanga and in recovering Eric Teng's red Toyota Corolla.[76]

Version of the Defense

The fractious defense offered in evidence the testimonies of: (1) John Robert Navarro; (2) Sr. Police Inspector Michael Ray Aquino; (3) Eden Sy Chung (Chung); (4) Christopher Bringas (Jimboy Bringas); (5) Roger Calaguas (Calaguas); (6) Lourdes Bringas, mother of Christopher and Bryan; (7) Bryan Bringas (Bobby Bringas); (8) Edgardo Sulayao (Sulayao), also known as Kosa; (9) Ericson Pajarillo (Pajarillo); and (10) Aruel Ross (Ross).

The accused's divergent defenses uniformly assailed the credibility of Maricel Hipos and state witness Rosales, and in assiduously declaring their innocence they pointed to each other as the perpetrator or mastermind of the kidnapping for ransom.

From their testimonies, Navarro[77] and Chung[78] similarly asserted being implicated by the other in the crime and pointed at each other as the mastermind thereof. Calaguas,[79] Sulayao,[80] Pajarillo[81] and Ross[82] uniformly point to Chung and Navarro as the brains behind the kidnapping who were assisted by Rosales and Jimboy Bringas, and that they were merely implicated for they were merely hired as factory workers (Calaguas and Sulayao), for a driving job (Ross) or was only doing a favor for Rosales (Pajarillo). They admitted the taking of Patrick Teng but denied doing any violence and the use of handguns. Calaguas and Sulayao repudiated their joint August 21, 1995 Pinagsanib na Salaysay ng Pagpapabulaan[83] sworn to before the state prosecutor for allegedly not being true as their former counsel, Atty. Gasmen, did not put therein what they actually narrated to him.

Jimboy Bringas maintained that he was only implicated by Chung and Navarro for he was neither involved with the crime nor participated in its commission as he was only tasked to look for factory workers by Chung and for tourist guides by Navarro.[84]

It must be noted that, while all the accused pinpointed and identified Navarro as one of the masterminds, only Pajarillo testified otherwise that John Robert Navarro is not the same person as John or Jun Navarro who was with him and Rosales in the evening of December 13, 1994 in Tradewinds Hotel, and on December 14, 1994 when they delivered gifts and the kidnapping of Patrick was committed.

Bobby Bringas strongly protested his innocence as he was in Pampanga on the days material and was never involved in the crime but was merely implicated by Rosales. His testimony[85] and that of his mother, Lourdes Bringas,[86] were dispensed with upon the prosecution's stipulation that he was in Pampanga from December 14, 1994 until his arrest by PACC operatives on December 16, 1994.

Acquittal of Dennis Ticsay

On July 30, 1997, accused Dennis Ticsay (Ticsay) filed a Motion for Leave of Court to File Demurrer to Evidence^[87] which was unopposed and granted by the trial court.^[88] Accordingly, on August 22, 1997, Ticsay filed his Demurrer to Evidence.^[89] On December 3, 1997, the trial court granted the demurrer and acquitted Ticsay.^[90]

Subsequently, on June 10, 1998, the motions to grant bail filed by the other accused were denied by the trial court.^[91]

The Ruling of the RTC and CA

The RTC, finding the testimonies of prosecution witnesses more credible, rendered, on March 26, 1999, its Joint Decision^[92] finding accused-appellants and the other accused guilty beyond reasonable doubt of the crimes charged. The fallo reads:

WHEREFORE, viewed in the light of the foregoing, judgment is hereby rendered:

In Criminal Case No. 95-136 for CARNAPPING, defined and penalized under Republic Act No. 6539, finding accused CHRISTOPHER BRINGAS y Garcia; JOHN ROBERT NAVARRO y Cruz; ARUEL ROSS y Picardo; ROGER CALAGUAS y Jimenez; ERICKSON PAHARILLO y Baser; EDGARDO SULAYAO y Petilla and EDEN SY CHUNG GUILTY beyond reasonable doubt, they are hereby sentenced to suffer the indeterminate penalty of imprisonment of nineteen (19) years as minimum to twenty-seven (27) years, as maximum.

For failure of the prosecution to prove the guilt of BRYAN BRINGAS y GARCIA, he is hereby ACQUITTED.

In Criminal Case No. 95-137, for KIDNAPPING FOR RANSOM, defined and penalized under Article 267 of the Revised Penal Code, as amended by Republic Act no. 7659, finding accused CHRISTOPHER BRINGAS y Garcia; JOHN ROBERT NAVARRO y Cruz; ARUEL ROSS y Picardo; BRYAN BRINGAS y Garcia; ROGER CALAGUAS y Jimenez; ERICKSON PAHARILLO y Baser; EDGARDO SULAYAO y Petilla; and EDEN SY CHUNG guilty beyond reasonable doubt, they are hereby sentenced to suffer the supreme penalty of DEATH.

Likewise, accused JOHN ROBERT NAVARRO y Cruz is hereby directed to pay Eric Teng the sum of PhP100,000.00 as actual damages with interest thereon at the legal rate from December 15, 1994 until fully paid and all the accused are directed to pay Eric Teng jointly and severally the amount of PhP5,000,000.00 as moral damages; PhP2,000,000.00 as exemplary damages and to pay the costs.

Let Alias Warrants of Arrest issued against GLEN SANGALANG and RICKY CASTILLO for their immediate apprehension which need not be returned until after they have been arrested.

SO ORDERED.^[93]

Thru its Order of Commitment (Mittimus),^[94] the RTC sent the accused to the Bureau of Corrections in Muntinlupa City.^[95] The RTC also elevated the records of the case to this Court for automatic review, docketed under G.R. Nos. 139115-16.

In accordance, however, with *People v. Mateo*,^[96] the Court, per its September 7, 2004 Resolution,^[97] transferred the case to the CA for intermediate review, docketed thereat as CA-G.R. CR-H.C. No. 00911.

Eventually, the CA rendered the assailed Decision dated January 3, 2006, affirming the trial court. The dispositive portion reads:

WHEREFORE, premises considered, the March 26, 1999 Joint Decision of the Regional Trial Court or

Parañaque City, Branch 258, is hereby AFFIRMED. However, considering that the death penalty was imposed, instead of entering judgment, We hereby CERTIFY the case and elevate its entire record to the Supreme Court for review and final disposition, pursuant to Section 13 (a & b), Rule 124 of the Rules of Criminal Procedure.

SO ORDERED.[98]

Navarro, Pajarillo and Chung filed their respective motions for reconsideration[99] of the assailed decision. As stated at the threshold hereof, the CA, in the herein equally assailed Resolution[100] dated June 6, 2007, denied the motions, but, noting the passage of RA 9346[101] lifting the death penalty, accordingly reduced the penalty to reclusion perpetua. In the same assailed Resolution, however, the CA further noted that the accused failed to file their motions for reconsideration or notices of appeal as regards Criminal Case No. 95-136 for Carnapping, the lesser offense, and, citing Sec. 13(b) of Rule 124 of the Revised Rules of Criminal Procedure, it pronounced finality of the affirmed RTC decision as regards Criminal Case No. 95-136.

Subsequently, on July 16, 2007, the CA issued a Resolution[102] for the issuance of a Partial Entry of Judgment[103] in Criminal Case No. 95-136 as to Ross, Jimboy Bringas, Calaguas and Sulayao. Undaunted, accused-appellants Navarro, Jimboy Bringas, Bobby Bringas and Chung filed their respective notices of appeal[104] pursuant to Sec. 13 (b), Rule 124 of the Revised Rules on Criminal Procedure.

In the meantime, on April 8, 2006, Pajarillo died from aspiration pneumonia secondary to PTB,[105] while Sulayao died on March 10, 2007.[106]

On June 23, 2009, the CA issued a Resolution[107] giving due course to the notices of appeal filed by accused-appellants and ordered the issuance of a (Partial) Entry of Judgment[108] against Ross who opted not to take any further appeal to this Court, and dismissed the instant criminal case as to Sulayao on account of his death on March 10, 2007 without prejudice to his civil liability.

We take notice, however, that the CA failed to note the May 4, 2009 letter[109] from the Bureau of Corrections in Muntinlupa City belatedly informing it, on May 6, 2009, of the death of Pajarillo way back on April 8, 2006. Consequently, the appeal[110] of Pajarillo filed by his counsel on July 4, 2007 is rendered moot and academic. Moreover, we further note that the CA failed to pronounce an entry of judgment as regards Calaguas who failed to file either a motion for reconsideration or to take a further appeal of the January 3, 2006 CA Decision. Consequently, for his failure to file an appeal as required by the rules, the instant case has become final as to Calaguas.

Thus, the instant appeals before us from accused-appellants Navarro, Jimboy Bringas, Bobby Bringas and Chung who prayed for their respective acquittal from the crime of kidnapping for ransom.

The Issues/Assignment of Errors

The People of the Philippines, represented by the OSG, and accused-appellants Navarro and Chung chose not to file any supplemental briefs, maintaining their respective positions, assignment of errors and arguments in their respective briefs earlier filed in G.R. Nos. 139115-16.

In his appellant's brief,[111] Chung raises the following assignment of errors:

I

THE LOWER COURT ERRED IN FINDING THAT APPELLANT CHUNG HAD CONSPIRED WITH THE OTHER APPELLANTS CONSIDERING THAT:

- There is no clear and sufficient evidence to establish that Appellant Chung participated in the planning of the crime;

- The evidence of conspiracy against Appellant fails to establish his participation in the planning of the offense beyond reasonable doubt;
- There are no overt acts attributable to Appellant Chung which would establish that he intended to, or did actually carry out the alleged conspiracy;
- There is no evidence which would establish Appellant Chung's presence at the scene of the crime, or his alleged participation in aiding his co-appellants in the commission thereof.

II

THE LOWER COURT ERRED IN RELYING ON THE ALLEGED WEAKNESS OF THE DEFENSE'S EVIDENCE RATHER THAN ON THE DOUBTFUL STRENGTH OF THE EVIDENCE FOR THE PROSECUTION.

III

THE LOWER COURT GRAVELY ERRED IN FINDING, WITHOUT ANY BASIS WHATSOEVER, THAT APPELLANT CHUNG IS THE MASTERMIND OF THE CONSPIRACY.

IV

THE LOWER COURT ERRED IN GIVING FULL CREDENCE TO THE TESTIMONY OF JASON ROSALES, AN ADMITTED CO-CONSPIRATOR IN THE PLANNING AND COMMISSION OF THE OFFENSE.

V

THE LOWER COURT FAILED TO PERFORM ITS DUTY OF RESOLVING ALL DOUBTS IN THE INTERPRETATION OF EVIDENCE IN FAVOR OF APPELLANT CHUNG.[112]

Navarro, on the other hand, raises in his Appellant's Brief[113] the sole assignment of error that: The Court a quo committed serious error when it convicted him on the basis of what may at best be considered circumstantial evidence despite clear and direct testimonies of law enforcers and the other accused that proved his absence of involvement in the crimes charged.[114]

In their Accused-Appellants' Brief,[115] Jimboy and Bobby Bringas raise the following assignment of errors:

I

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY BEYOND REASONABLE DOUBT DESPITE FAILURE OF THE PROSECUTION TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY AS PRINCIPALS OF THE CRIMES CHARGED.[116]

Moreover, in their supplemental brief,[117] Jimboy and Bobby Bringas additionally raise the assignment of errors that: (a) The Court of Appeals gravely erred in finding them guilty despite the prosecution's failure to prove it beyond reasonable doubt; and, (b) that they conspired with the other perpetrators.[118]

The foregoing issues or assignment of errors can actually be reduced and summarized as follows: first, on the

credibility of the testimonies of the prosecution witnesses in general and, in particular, of Maricel Hipos and of the state witness Rosales; and, second, on the finding of conspiracy.

The Court's Ruling

The appeal is bereft of merit.

First Core Issue: Credibility of Prosecution Witnesses

Accused-appellants strongly assert that Maricel Hipos and state witness Rosales only made up their respective testimonies relative to how the kidnapping transpired.

There is no dispute that Patrick Teng was kidnapped. It is admitted by the accused that Patrick Teng was brought to Pampanga on the day he was abducted and was released shortly before midnight the next day or on December 15, 1994. There is likewise no dispute that a PhP 2.5 million ransom was raised by the Teng family on December 15, 1994 and was handed to Chung in the evening of the same day for the payment and release of Patrick Teng as instructed by the negotiator. The undisputed facts also show that Chung was apprehended by the PACC shortly after midnight or very early on December 16, 1994; while Jimboy Bringas and Navarro were apprehended at past 1:00 p.m. on December 16, 1994; and the other accused were apprehended in Pampanga late afternoon and early evening on December 16, 1994.

Both courts a quo found all accused guilty beyond reasonable for the crime of carnapping and kidnapping. With the instant appeal, what remains to be resolved is the respective criminal liability or lack thereof of accused-appellants Navarro, Chung, Jimboy and Bobby Bringas. An assiduous review of the records at hand, particularly the testimonies of both prosecution and defense witnesses, however, constrains this Court to affirm the appellate court's decision and resolution affirming their conviction except that of Bobby Bringas.

Prosecution Witnesses More Credible

First. The testimonies of prosecution witnesses Maricel Hipos and Eric Teng were straightforward, cohesive, positive and credible. More so when they are corroborated on material points by the testimonies of both prosecution and defense witnesses. Besides, there is no showing that Maricel Hipos and Eric Teng had any motive to falsely testify against the accused. As a rule, absent any evidence showing any reason or motive for prosecution witnesses to perjure, the logical conclusion is that no such improper motive exists, and their testimonies are thus worthy of full faith and credit.[110]

The testimony of Maricel was initially assailed by accused-appellant Sulayao who testified that when the kidnapping was carried out they did not use any weapon or handgun, that they were let into the house voluntarily by Maricel and that it was Rosales who took Patrick Teng without a struggle. This assertion was uniformly shared by Pajarillo, Calaguas and Ross. However, aside from their mere assertion, they did not present any evidence supporting such contention.

The testimony of Maricel on what occurred is corroborated by the testimony of the accused that the gift Calaguas was holding did not fit the aperture in the gate. Maricel never intended them to enter the Teng's premises but was merely constrained to open the gate due to the ruse adopted by the accused.

Very telling are the testimonies of Pajarillo, Sulayao and Ross asserting that they did not see Maricel. This is incredulous for Maricel positively identified them as among the companions of Rosales during the extra-judicial line-up conducted by the PACC in Camp Crame. Aside from Calaguas, Maricel picked out Pajarillo, Sulayao and Ross from a line-up of about 15 men. During her testimony in open court, she again positively identified them. If indeed they did not meet her, Maricel could not have identified them as among the companions of Rosales and

Calaguas.

Moreover, the mere denials of Calaguas, Pajarillo, Sulayao and Ross cannot prevail over the positive assertion of Maricel that she was with Sweeney, the sister of Eric Teng, and two other helpers, Dina and Melanie, who were the "yayas" of Patrick and Mikee. Pajarillo, Sulayao, Calaguas and Ross want the Court to believe that it was only Maricel who was in the house of Eric Teng or that aside from her there was nobody in the first floor of Eric Teng's house when Rosales supposedly brought down Patrick Teng.

Further, the testimony of Maricel is not only credible but cohesive as well considering the events that transpired from the phone call received at around 11:30 a.m. to the arrival of the kidnappers at 1:30 p.m., the time Dina was able to find scissors to cut their bindings and being freed therefrom and calling Kimbol, who rushed to Eric's place; then Kimbol calling Eric at around 2:30 p.m. with the latter rushing home. The testimony of Eric would show how he received the call from his brother, his rushing home and receiving the first call from the negotiator [kidnappers] at around 3:10 p.m.

As to the use of violence and intimidation, it is abundantly clear from Maricel's testimony that the accused indeed used guns to threaten and intimidate them. At the very least, Maricel positively identified Calaguas as the one holding the gift and poking her with a gun when she opened the gate, and her being herded together with Sweeney and the other house helpers to the children's room at the second floor. The use of guns to threaten and intimidate is not only plausible but well nigh credible considering the crime involved. Besides, it must be noted that during the press conference on December 17, 1994, caught on camera and shown during the evening news on the same day was Pajarillo uttering words to the effect that Chung provided them with a .45 caliber and a .38 caliber handguns.

It must be noted that there is no showing that Maricel simply made up the details of her testimony or that she was coached. Both courts a quo found her testimony credible, cohesive and straightforward. We find no cogent reason to substitute the findings of the trial court as affirmed by the appellate court. Besides, the trial court is in the best position to assess the credibility of witnesses and their testimonies because of their unique opportunity to observe the witnesses firsthand, and to note their demeanor, conduct and attitude under grueling examination--significant factors in evaluating the sincerity of witnesses, in the process of unearthing the truth.[117]

Furthermore, the testimony of Eric supplies what transpired after he received the call from his brother Kimbol on December 14, 1994 until the morning of December 17, 1994 when the PACC held a press conference presenting the alleged kidnappers and his being able to tape segments of the evening news showing footages of the press conference. His testimony is likewise straightforward, cohesive and credible, which was not at all rebutted by the defense.

Second. The testimony of state witness Rosales was likewise straightforward, cohesive and credible. And it was likewise corroborated on some material points by the officers of the PACC Task Force Habagat.

Rosales was among the six arrested on December 16, 1994 in Pampanga. Jimboy Bringas pinpointed them to PACC operatives led by Police Chief Inspector Tucay. He was not included in the two Informations since he was utilized as a state witness and placed under the witness protection program of the government. It must be noted that prosecutorial powers include the discretion of granting immunity to an accused in exchange for testimony against another.[118] And the fact that an individual had not been previously charged or included in an Information does not prevent the prosecution from utilizing said person as a witness.[119]

In *People v. Bohol*, the Court held that the fact that an accused has been "discharged as a state witness and was no longer prosecuted for the crime charged does not render his testimony incredible or lessen its probative

weight."[120]

The testimony of Rosales was not rebutted by the accused. His narration of the events transpiring from December 7 to 13, 1994 leading up to the actual kidnapping on December 14, 1994 cohesively showed the specific roles of the other accused relative to the instant crime. Although the Court believes that he had a greater role than what he testified to as being merely coerced. Be that as it may, it would not change the fact that in his participation of the crime, he knew and clearly pointed out the specific roles of the accused in the conspiracy and actual execution of the kidnapping and the carnapping.

The testimonies of police officers from the PACC corroborated the transfer of the Patrick to Chung at around or shortly before midnight of December 15, 1994 in the parking lot of Philippine Westin Plaza.

It bears stressing that prosecution witnesses Maricel Hipos, Eric Teng and state witness Jason Rosales never wavered in their testimonies under rigorous cross-examination by the various counsels representing the accused during trial. The same holds true with the testimonies of the PACC police officers.

In fine, when the credibility of witnesses is in issue, the trial court's assessment is accorded great weight unless it is shown that it has overlooked a certain fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated and which, if properly considered, would alter the results of the case.[121] In the instant case, we find no fact or circumstance of substance overlooked, misunderstood or misappreciated by the courts a quo, except as to that of Bobby Bringas.

Third. The prosecution witnesses PACC police officers gave clear, credible and straightforward testimonies on what transpired on their end regarding the kidnapping: their monitoring of the negotiation, the surveillance of Chung and the arrest of the accused. Their testimonies were not at all rebutted. In fact, as aptly narrated by Police Chief Inspector Tucay, accused-appellants Chung and Navarro could not deny seeing each other in the evening of December 15, 1994 in the vicinity of their houses in Paco, their subsequent meeting at the Bowling Inn and at the Philippine Westin Plaza. After his arrest in the house of Eric Teng, Chung supplied to the PACC the names and identities of Jimboy Bringas and Navarro which led to their arrest at past 1 p.m. on December 16, 1994 in Malate. And, after his arrest, Jimboy Bringas in turn pinpointed to the PACC operatives led by Police Chief Inspector Tucay the other accused who were arrested in Pampanga late in the afternoon and early evening of December 16, 1994.

Fourth. From the defense testimonies of Jimboy Bringas, Ross, Pajarillo, Sulayao and Calaguas--upon the backdrop of the testimonies of prosecution witnesses--they collectively point to Chung and Navarro as the brains of the kidnapping. Pajarillo, however, asserted that his co-accused Navarro is not the same person as the mastermind Navarro. This assertion, however, fails vis-à-vis the testimony of Rosales and other accused who testified that Navarro worked closely with Chung.

Second Core Issue: Presence of Conspiracy

Kidnapping for ransom proven
beyond reasonable doubt

The crime of Kidnapping and serious illegal detention, under Art. 267[125] of the RPC, has the following elements:

- (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.[126]

It must be noted that when the victim is a minor and the accused is any of the parents, the crime is Inducing a minor to abandon his home defined and penalized under the second paragraph of Art. 271 of the RPC. While if it is a public officer who has a duty under the law to detain a person but detains said person without any legal ground is liable for Arbitrary detention defined and penalized under Art. 124 of the RPC.

The essence of the crime of kidnapping is the actual deprivation of the victim's liberty, coupled with indubitable proof of intent of the accused to effect the same.[127] 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.[128] Ransom means money, price or consideration paid or demanded for the redemption of a captured person that will release him from captivity.[129]

In the instant case, all the elements of the crime of kidnapping for ransom has been proven beyond reasonable doubt. The accused are all private individuals. The kidnapping of Patrick Teng, then three years old, a minor is undisputed. That ransom was demanded and paid is established. The only issue to be resolved is whether the accused are equally guilty of kidnapping for ransom having conspired with each other.

Duly-Proven Conspiracy

Accused-appellants uniformly assail the court a quo's findings of conspiracy in the commission of the kidnapping for ransom of Patrick Teng. Our assiduous review of the records of the case shows the presence of conspiracy. However, we fail to appreciate the direct participation of Bobby Bringas in the conspiracy. Thus, accused-appellants Jimboy Bringas, Chung and Navarro together with the other accused Pajarillo, Sulayao, Ross and Calaguas are equally guilty and liable for the crime charged for having conspired to commit and did commit kidnapping for ransom of Patrick.

Conspiracy exists when two or more persons come to an agreement concerning the commission of a crime and decide to commit it. It may be proved by direct or circumstantial evidence consisting of acts, words or conduct of the alleged conspirators before, during and after the commission of the felony to achieve a common design or purpose.[130]

Proof of the agreement need not rest on direct evidence, as the same may be inferred from the conduct of the parties indicating a common understanding among them with respect to the commission of the offense. Corollarily, it is not necessary to show that two or more persons met together and entered into an explicit agreement setting out the details of an unlawful scheme or the details by which an illegal objective is to be carried out.[131]

To be held guilty as a co-principal by reason of conspiracy, the accused must be shown to have performed an overt act in pursuance or furtherance of the complicity--mere presence when the transaction was made does not necessarily lead to an inference of concurrence with the criminal design to commit the crime.[132] Moreover, the same degree of proof necessary to prove the crime is required to support a finding of criminal conspiracy.[133]

The testimony of state witness Rosales is the lynchpin by which the conspiracy is proven. Jimboy Bringas brought together Rosales, Calaguas and Sulayao from Pampanga, while Rosales brought in Ross and Pajarillo from Laguna. They thus formed the team, although Jimboy Bringas did not join the team but was in on the sharing of the ransom. Together with Chung, Navarro and two others (Glenn Sangalang and Ricky Castillo), they proceeded to Eric's house on December 14, 1994 and kidnapped Patrick. Verily, a conspiracy is more readily proved by the acts of a fellow criminal than by any other method.[134]

Together with Ricky Castillo and Rosales, accused Ross, Pajarillo, Sulayao and Calaguas actively participated in the kidnapping. Ross drove

one of the cars. Pajarillo, Sulayao and Calaguas entered the house with Rosales. Calaguas poked a gun at Maricel. Pajarillo gagged and bound Maricel. The others herded the house helpers, the kids and Sweeney to the second floor. They took Patrick after binding everyone except Mikee Teng. Then they brought Patrick to Pampanga. In all, they carried out a concerted plan of kidnapping and detaining Patrick until they were given word to bring back the child to Manila which they did the very next day shortly before midnight at the Philippine Westin Plaza.

Then they went back to Pampanga, apparently to await their share of the ransom money. Clearly, Ross' testimony that he is employed as a driver who can earn so much as PhP5,000 in a day and can ill afford to be absent is belied by his accompanying the others to Pampanga after they delivered Patrick Teng to Chung on December 15, 1994 shortly before midnight. And he continued to stay in Pampanga with the others until his arrest on December 16, 1994 while on a drinking spree. In all, he was absent from work from the 14[th] until the 16[th] of December 1994.

Jimboy Bringas evidently participated in the planning and the subsequent execution of the conspiracy by bringing in Calaguas and Sulayao from Pampanga. Together with them, he met with Chung and Navarro. And together with Rosales he went to Laguna to fetch Pajarillo and Ross. In effect, he recruited or brought in the team that would carry out the kidnapping. He knows the other accused and was the one who went with the PACC team led by Police Chief Inspector Tucay to Pampanga in the late afternoon of December 16, 1994 and identified them to be arrested.

Rosales' actuations, first in ringing the doorbell at the gate and urging Maricel to open it and in asking for the car key and taking the Toyota Corolla of Eric do not tend to show that he was merely coerced. This is, however, academic considering his turning state witness.

Accused-appellant Navarro's assertion that he was only implicated fails to persuade. His direct involvement in the conspiracy is clearly shown in that: (1) the testimony of Rosales shows Navarro's involvement with Chung; (2) the unanimous testimonies of Calaguas, Pajarillo, Sulayao and Ross to the effect that Navarro was together with Chung in their meetings before the kidnapping and Navarro was with them when they went to Eric Teng's place on December 14, 1994; (3) Navarro's admission caught on camera during the December 17, 1994 press conference that he made calls to negotiate the ransom which bolsters Eric's testimony that he recognized the voice of Navarro as the negotiator calling his residence; (4) Navarro received PhP100,000 from Chung in the evening of December 15, 1994 at the Bowling Inn; (5) Navarro was with Chung when Patrick Teng was delivered by the other accused in the parking lot of Philippine Westin Plaza.

Similarly, accused-appellant Chung's assertion that he was only implicated flies from logic given that not only Rosales pinned him as the mastermind but that the other accused testified to the effect that together with Navarro he orchestrated the kidnapping. The foregoing clearly shows his involvement: (1) per Pajarillo's admission during the December 17, 1994 press conference, Chung provided the guns; (2) Chung's admission to Eric through a phone call he made at noon on December 16, 1994 asking pardon and forgiveness; (3) Chung gave misleading

information to Eric about his being intercepted when he was supposed to deliver the ransom money; (4) Chung proceeded to his parents' place in Paco and gave PhP50,000 from the ransom money to his mother; (5) Chung left the remaining PhP2.35 million in his parents' place without telling Eric about it; (6) Chung took Patrick from the other accused at the parking lot of Philippine Westin Plaza shortly before midnight of December 15, 1994 without paying the ransom; (7) Chung brought Patrick back home without telling Eric upon their arrival about the ransom money.

Where the acts of the accused collectively and individually demonstrate the existence of a common design towards the accomplishment of the same unlawful purpose, conspiracy is evident, and all the perpetrators will be liable as principals.[135]

Bobby Bringas' participation either
as accomplice or as co-conspirator not
established

As to Bobby Bringas, it is undisputed that he did not participate in the actual kidnapping. He was in Pampanga from December 10, 1994 until he was arrested together with the others on December 16, 1994. It may be true that the other accused brought Patrick to Bobby Bringas' place but it was not shown that Bobby Bringas took care of Patrick as the group moved to different places. It was neither clearly shown that Bobby Bringas recruited the other accused to carry out the kidnapping. It was only Rosales' testimony that Bobby Bringas asked him to drive. Aside from that, the fact alone that the other accused went to his place does not point to his direct involvement in the conspiracy considering that he knows them. He worked as driver for the mother of Rosales and Pajarillo is his kumpare. There is therefore no clear and convincing evidence of Bobby Bringas' direct involvement either in the kidnapping of Patrick or in the conspiracy to its commission.

In the absence of evidence showing the direct participation of the accused in the commission of the crime, conspiracy must be established by clear and convincing evidence in order to convict the accused.[136] Given our observation that the involvement of Rosales was not merely of a person under coercion, there is reasonable doubt as to Bobby Bringas' involvement for it was Jimboy Bringas who brought or recruited Sulayao and Calaguas from Pampanga. There is therefore a palpable reasonable doubt of the existence of conspiracy on the part of Bobby Bringas. The presence of reasonable doubt as to the existence of conspiracy suffices to negate not only the participation of the accused in the commission of the offense as principal but also, in the absence of proof implicating the accused as accessory or accomplice, the criminal liability of the accused.[137] Consequently, Bobby Bringas must be acquitted from the crime of kidnapping for ransom.

The penalty for kidnapping for ransom under Art. 267 of the RPC, as amended, would have been the supreme penalty of death. However, the passage of RA 9346 or the Act Prohibiting the Imposition of Death Penalty has banned the death penalty and reduced all death sentences to reclusion perpetua without eligibility for parole.[138]

Award of damages modified

Anent the award of damages, we find proper the award of actual damages against Navarro in the amount of PhP 100,000 with legal interest of 12% from December 15, 1994 until fully paid. We, however, find the award of PhP 5 million as moral damages and PhP 2 million as exemplary damages to be exorbitant and not in accord with jurisprudence.

In line with current jurisprudence,[139] an award of PhP 50,000 as civil indemnity is proper. An award of PhP 200,000 as moral damages is likewise proper considering the minority of Patrick.[140] Moreover, when the crime of kidnapping is attended by a demand for ransom, by way of example or correction, PhP 100,000 exemplary

damages is also proper.[141]

With the affirmance of the conviction of accused appellants Jimboy Bringas, Navarro and Chung, they are jointly and severally liable together with Ross, Pajarillo, Sulayao and Calaguas for the payment of the damages awarded.

IN VIEW WHEREOF, the appeals of accused-appellants Christopher Bringas, John Robert Navarro and Eden Sy Chung are DENIED; while the appeal of accused-appellant Bryan Bringas is GRANTED. Accordingly, the January 3, 2006 Decision and June 6, 2007 Resolution of the Court of Appeals in CA-G.R. CR-H.C. No. 00911 are hereby AFFIRMED with MODIFICATION insofar as the amount of the damages awarded and the acquittal of Bryan Bringas. As modified, the dispositive portion of the March 26, 1999 Joint Decision of the Regional Trial Court, Branch 258 in Parañaque City, pertaining to Criminal Case No. 95-137, for Kidnapping for Ransom, shall read:

In Criminal Case No. 95-137, for KIDNAPPING FOR RANSOM, defined and penalized under Article 267 of the Revised Penal Code, as amended by Republic Act no. 7659, finding accused CHRISTOPHER BRINGAS y Garcia; JOHN ROBERT NAVARRO y Cruz; ARUEL ROSS y Picardo; ROGER CALAGUAS y Jimenez; and EDEN SY CHUNG guilty beyond reasonable doubt, they are hereby sentenced to suffer the penalty of reclusion perpetua without eligibility for parole pursuant to Republic Act No. 9346.

The instant criminal charge is DISMISSED as to accused ERICSON PAJARILLO y Baser and EDGARDO SULAYAO y Petilla on account of their death pursuant to Article 89, 1 of the Revised Penal Code.

The accused JOHN ROBERT NAVARRO y Cruz is hereby directed to pay Eric Teng the sum of Php100,000.00 as actual damages with interest thereon at the legal rate of 12% from December 15, 1994 until fully paid.

The accused CHRISTOPHER BRINGAS y Garcia; JOHN ROBERT NAVARRO y Cruz; ARUEL ROSS y Picardo; ROGER CALAGUAS y Jimenez; ERICSON PAJARILLO y Baser; EDGARDO SULAYAO y Petilla and EDEN SY CHUNG are directed to pay Eric Teng jointly and severally the amount of Php50,000.00 as civil indemnity, Php200,000.00 as moral damages; and Php100,000.00 as exemplary damages and to pay the costs.

Accused BRYAN BRINGAS y GARCIA is hereby ACQUITTED for reasonable doubt as to his involvement.

No pronouncement as to costs.

SO ORDERED.

Corona, (Chairperson), Nachura, Peralta, and Mendoza, JJ., concur.

[1] Rollo, pp. 83-84, Notice of Appeal [of John Robert Navarro], dated June 29, 2007; id. at 87-88, Notice of Appeal [of Christopher and Bryan Bringas], dated June 25, 2007; id. at 89-91, Notice of Appeal [of Eden Sy Chung], dated June 29, 2007.

[2] Id. at 3-82. Penned by Associate Justice Mariflor P. Punzalan Castillo and concurred in by Associate Justices Elvi John S. Asuncion and Noel G. Tijam.

[3] CA rollo, pp. 2246-2451.

[4] Also referred to as Erickson Paharillo in other parts of the records.

[5] CA rollo, pp. 10-12, dated April 24, 1998.

[6] Id. at 13-15, dated April 24, 1998.

[7] Records, pp. 600-604, TSN December 13, 1995.

[8] Id. at 604-605.

[9] Id. at 606.

[10] Id.

[11] Id. at 609-611.

[12] Id. at 612.

[13] Id. at 613-614.

[14] Id. at 615-616, 748, TSN January 24, 1996.

[15] Id. at 618-621.

[16] Id. at 621-623.

[17] Id. at 625-626.

[18] Id. at 623.

[19] Id. at 627.

[20] Id. at 628.

[21] Id. at 629-630.

[22] Id. at 631.

[23] Id. at 631-632.

[24] Id. at 643.

[25] Id. at 635.

[26] Id. at 641.

[27] Id. at 645-646.

[28] Id. at 643.

[29] Id. at 647, 761, TSN January 24, 1996.

[30] Id. at 1577, TSN July 31, 1996.

[31] Id. at 1585.

[32] Id. at 1587-1589.

[33] Id. at 1698.

[34] Id. at 1589-1591.

[35] Id. at 1592.

[36] Id. at 1594; 1700.

[37] Id. at 1595-1596.

- [38] Id. at 1617.
- [39] Id. at 1597.
- [40] Id. at 1599-1600.
- [41] Id. at 1601-1603.
- [42] Id. at 1604.
- [43] Id. at 1706.
- [44] Id. at 1605-1607.
- [45] Id. at 1607-1608.
- [46] Id. at 1608.
- [47] Id. at 1609.
- [48] Id. at 1610-1611.
- [49] Id. at 1611.
- [50] Id. at 1612.
- [51] Id. at 1612-1613.
- [52] Id. at 1613-1614.
- [53] Id. at 1614-1616.
- [54] Id. at 1619-1621.
- [55] Id. at 1621-1622.
- [56] Id. at 1622-1623.
- [57] Id. at 1623-1624.
- [58] Id. at 1625.
- [59] Id. at 1628.
- [60] Id. at 1629-1630.
- [61] Id. at 1629.
- [62] Id. at 1629-1630.
- [63] Id. at 1630-1632.
- [64] Id. at 1632-1633.
- [65] Id. at 1633-1634.
- [66] Id. at 1634.
- [67] Id. at 1635.
- [68] Id. at 1635-1636.

[69] Id. at 1636-1637.

[70] Id. at 1643-1648.

[71] Id. at 2177-2212, TSN December 4, 1996; 2284-2306, TSN December 11, 1996.

[72] Id. at 4085-4095, TSN of the Press Conference held at Camp Crame, Quezon City on December 17, 1994, taken from VHS-Tape of the news coverage by PTV-4 and ABS-CBN.

[73] Id. at 2307-2329, TSN December 11, 1996.

[74] Id. at 1410-1448, TSN July 3, 1996; 1456-1486, TSN July 17, 1996.

[75] Id. at 1343-1410, TSN July 3, 1996.

[76] Id. at 1486-1507, TSN July 17, 1996; 1516-1573, TSN July 31, 1996.

[77] Id. at 1784-1822, TSN September 11, 1996; 1866-2029, TSN November 6, 1996.

[78] Id. at 2067-2075, 2076-2120, 2127-2159, TSN November 20, 1996; 2683-2773, TSN July 16, 1997; 2806-2828, TSN July 30, 1997.

[79] Id. at 2969-3020, TSN October 8, 1997; 3037-3128, TSN October 22, 1997; 3165-3186, TSN November 12, 1997.

[80] Id. at 3380-3446, TSN January 21, 1998.

[81] Id. at 3486-3568, TSN March 18, 1998; 3590-3610, TSN May 20, 1998; 3625-3693, TSN June 3, 1998.

[82] Id. at 3716-3767, TSN June 10, 1998.

[83] Id. at 3788-3789, dated August 21, 1995.

[84] Id. at 2093-2964, TSN September 24, 1997.

[85] Id. at 3339-3341, TSN December 10, 1997.

[86] Id. at 3334-3339, TSN December 10, 1997.

[87] Id. at 2774-2775, dated July 29, 1997.

[88] Id. at 2779, Order dated July 30, 1997.

[89] Id. at 2863-2867, dated August 18, 1997.

[90] Id. at 3211-3215, Decision dated December 3, 1997.

[91] Id. at 3708-3709, Order dated June 10, 1998.

[92] Id. at 3985-4031.

[93] Id. at 4031.

[94] CA rollo, pp. 96-97, dated March 26, 1999.

[95] Rollo, p. 118, per letter of confirmation dated November 6, 2009 from Julio A. Arciaga, Assistant Director for Prisons and Security, Bureau of Corrections, Muntinlupa City.

[96] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[97] CA rollo, p. 1025.

[98] Supra note 2 at 81.

[99] CA Rollo, pp. 2216-2242, Motion for Reconsideration [of John Robert C. Navarro], dated January 18, 2006; Id. at 2242-2243, Motion for Reconsideration (of the Decision Promulgated January 3, 2006) [of Ericson Pajarillo], dated January 11, 2006; Id. at 2259-2294, Motion for Reconsideration [of Eden Sy Chung], dated January 26, 2006.

[100] Supra note 2.

[101] An Act Prohibiting The Imposition Of Death Penalty In The Philippines, promulgated on June 24, 2006 and took effect on June 30, 2006.

[102] CA rollo, pp. 2459-2460.

[103] Id. at 576-577.

[104] Supra note 1.

[105] Rollo, p. 103.

[106] Id. at 111, his body was set for an autopsy to determine cause of death.

[107] CA rollo, pp. 2530-2531.

[108] Id. at 2532.

[109] Id. at 2534.

[110] Id. at 2456-2457, Notice of Appeal dated June 18, 2007.

[111] Id. at 193-259, Brief for the Accused Appellant Eden Sy Chung, dated April 13, 2000.

[112] Id. at 2210-212.

[113] Id. at 465-513, dated January 3, 2001.

[114] Id. at 466.

[115] Id. at 755-789, dated November 21, 2003.

[116] Id. at 758.

[117] Supplemental Brief for the Accused-Appellants, dated December 11, 2009.

[118] Id.

[119] *People v. Ballesta*, G.R. No. 181632, September 25, 2008, 566 SCRA 400, 416, citing *People v. Rendoque*, G.R. No. 106282, January 20, 2000, 322 SCRA 622, 634.

[120] Id. at 415-416, citing *People v. Benito*, G.R. No. 128072, February 19, 1999, 303 SCRA 468, 476.

[121] *Pontejos v. Office of the Ombudsman*, G.R. Nos. 158613-14, February 22, 2006, 483 SCRA 83, 96.

[122] Id. at 100, citing *People v. Peralta*, G.R. No. 133267, August 8, 2002, 387 SCRA 45; *Guingona v. Court of Appeals*, G.R. No. 125532, July 10, 1998, 292 SCRA 402; *Webb v. De Leon*, G.R. No. 121234, August 23, 1995, 247 SCRA 652.

[123] G.R. No. 178198, December 10, 2008, 573 SCRA 557, 566, citing *People v. Bocalan*, G.R. No. 141527, September 4, 2003, 410 SCRA 373, 381.

[124] *People v. Mateo*, G.R. No. 170569, September 30, 2008, 567 SCRA 244, 254, citing *People v. Madronio*, G.R. Nos. 137587 and 138329, July 29, 2003, 407 SCRA 337, 347.

[125] 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. (As amended by R.A. No. 7659)

[126] *People v. Mamantak*, G.R. No. 174659, July 28, 2008, 560 SCRA 298, 306-307.

[127] *People v. Mui*, G.R. No. 181043, October 8, 2008, 568 SCRA 251, 264-265, citing *People v. Borromeo*, G.R. No. 130843, January 27, 2000, 323 SCRA 547.

[128] See: *People v. Mamantak*, supra note 126 at 307.

[129] *Id.* at 309, citing *People v. Jatulan*, G.R. No. 171653, April 24, 2007, 522 SCRA 174.

[130] *People v. Tan*, G.R. No. 177566, March 26, 2008, 549 SCRA 489, 502, citing *People v. Baldogo*, G.R. Nos. 128106-07, January 24, 2003, 396 SCRA 31; *People v. Pajaro*, G.R. Nos. 167860-65, June 17, 2008, 554 SCRA 572, 586; *Aquino v. Paiste*, G.R. No. 147782, June 25, 2008, 555 SCRA 255, 271, citing *People v. Quirol*, G.R. No. 149259, October 20, 2005, 473 SCRA 509, 517; *People v. De la Cruz*, G.R. No. 173308, June 25, 2008, 555 SCRA 329, 342, citing *People v. Barcenal*, G.R. No. 175925, August 17, 2007, 530 SCRA 706, 726; *People v. Santos*, G.R. No. 176735, June 26, 2008, 555 SCRA 578, 602; *People v. Bohol*, supra note 123 at 568, citing *People v. Barcenal*, supra.

[131] *Buebos v. People*, G.R. No. 163938, March 28, 2008, 550 SCRA 210, 224, citing *People v. Quinao*, G.R. No. 108454, March 13, 1997, 269 SCRA 495 and *People v. Saul*, G.R. No. 124809, December 19, 2001, 372 SCRA 636.

[132] *Aquino v. Paiste*, supra note 130 at 272.

[133] *People v. Buduhan*, G.R. No. 178196, August 6, 2008, 561 SCRA 337, 364.

[134] *Salvanera v. People*, G.R. No. 143093, May 21, 2007, 523 SCRA 147, 153, citing *U.S. v. Remigio*, 37 Phil. 599, 612 (1918).

[135] *David, Jr. v. People*, G.R. No. 136037, August 13, 2008, 562 SCRA 22, 35-36, citing *People v. Reyes*, G.R.

No. 135682, March 26, 2003, 399 SCRA 528.

[136] *People v. Gaffud, Jr.*, G.R. No. 168050, September 19, 2008, 566 SCRA 76, 84, citing *People v. Agda*, G.R. No. L-36377, January 30, 1982, 111 SCRA 330 and *People v. Taaca*, G.R. No. 35652, September 29, 1982 178 SCRA 56.

[137] *Eugenio v. People*, G.R. No. 168163, March 26, 2008, 549 SCRA 433, 447-448, citing *People v. Quinao*, G.R. No. 109454, March 13, 1997, 269 SCRA 495.

[138] See: *People v. Jatulan*, G.R. No. 171653, 24 April 2007, 522 SCRA 174, 188, citing *People v. Nabong*, G.R. No. 172324, April 3, 2007, 520 SCRA 437.

[139] *People v. Mamantak*; supra note 126 at 310; *People v. Solangon*, G.R. No. 172693, November 21, 2007, 537 SCRA 746; *People v. Yambot*, G.R. No. 120350, October 13, 2000, 343 SCRA 20.

[140] *People v. Mamantak*; supra note 126 at 310; *People v. Solangon*, supra note 139 at 757; *People v. Baldogo*, G.R. Nos. 128106-07, January 24, 2003, 396 SCRA 31; *People v. Garcia*, G.R. Nos. 133489 and 143970, January 15, 2002, 373 SCRA 134.

[141] *Id.*

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