

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. LEONARDO SIAPNO, ACCUSED-APPELLANT.

G.R. No. 218911. August 23, 2017

Ponente: PERALTA, J.

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PERALTA, J.:

This is an appeal from the September 24, 2014 Decision[1] of the Court of Appeals (CA) in CA-G.R. C.R. HC No. 05646, which affirmed with modification the June 22, 2012 Decision[2] of the Regional Trial Court (RTC), Branch 94, Quezon City, convicting accused-appellant Leonardo Siapno (Siapno) of the crime of Serious Illegal Detention under Article 267 of the Revised Penal Code (RPC).

The Information dated July 31, 2009 alleged:

That on or about the 30[th] day of July, 2009, in Quezon City, Philippines, the said accused, a private individual, did then and there, willfully, unlawfully and feloniously detain and threaten to kill one CHLOE TIBAY y CAPISONDA, a minor, 1 year old, thereby depriving the said offended party of her liberty, to the damage and prejudice of the said CHLOE TIBAY y CAPISONDA.

CONTRARY TO LAW.[3]

In his arraignment, Siapno entered a plea of not guilty.[4] Trial ensued while he was detained at the Quezon City jail.[5]

The prosecution presented Dulce Corazon C. Tibay (Dulce), Edgar V. Ramel (Edgar), Joselito S. Campo (Joselito), and Dr. Shanne Lore Dettabali (Shanne). Only Siapno testified for the defense. Their testimonies revealed as follows:

On July 30, 2009, Dulce was at home together with her one year and seven month old daughter, Chloe Tibay (Chloe). At around 2:00 p.m., somebody knocked at their gate so she opened it while carrying Chloe. A man, who introduced himself as Ryan delos Reyes from Morong, Rizal, was looking for her husband, Ronald Tibay (Ronald), and requested to talk to him so that he could relay to his brother, Arnold Tibay (Arnold), to end his relationship with a certain Len delos Reyes (Len). She told him to return on a Sunday since Ronald was not around. The man left, but returned 15 minutes later to tell that he could not wait for Sunday. She then called her husband to ask him if she could just give his cellphone number for them to talk, as to which Ronald agreed. The man left and went to a street corner to call Ronald. Thereafter, he returned and told that he was not able to talk to him. He then pushed the gate and grabbed Chloe. He poked a fan knife ("balisong") at the child's neck and dragged Dulce inside the house. The man told her that "madadamay ang anak mo, papatayin ko ito, " but she pleaded to him. She struggled to be released and was able to ran out of the gate and seek help from a passerby, who called the barangay tanods or Barangay Police Security Officers (BPSOs) of Barangay Roxas, Quezon City. Meantime, the man went inside the comfort room (CR) of the house and locked himself up together with Chloe, who was scared and crying. After about three minutes, the BPSOs arrived. They went inside the house and negotiated with the man. Several minutes passed, one of the BPSOs went out from the CR together with the child

and gave Chloe to Dulce. Subsequently, they proceeded to the barangay hall to report the incident in the blotter and then to the Kamuning Police Station where she gave a sworn statement and came to know of the real name of the man as accused-appellant Siapno. Moreover, a medico-legal examination was conducted on Chloe.

Edgar, who was a BPSO, testified that there was a hostage taking that took place about 2:30 p.m. on July 30, 2009. When the desk officer-on-duty received a call about the incident, he and other BPSOs Joselito Campo (Joselito), Leonardo[6] Cacdac (Cacdac), Leonardo Marquez (Marquez), and Teodolfo[7] Bantay (Bantay) immediately proceeded to No. 15 Jasmin Street, Roxas District, Quezon City. Upon arrival at the place, Dulce, who was crying, approached them and asked helped, telling that her daughter was taken away by Siapno who poked a knife at her neck and brought her inside their house. They immediately went inside the house and discovered that Siapno was inside the CR since they could hear a child crying therein. They then talked to him, telling him to surrender and that the policemen were coming. Minutes after, Siapno told them that he would voluntarily surrender. Later, he suddenly opened the door, threw a knife inside the CR, and released the child, who was immediately taken by Bantay. The tanods brought Siapno, Dulce, and Chloe to the barangay hall and to the police precinct. Edgar noticed that Chloe sustained an injury in the neck caused by the knife which they confiscated from Siapno. Said knife was brought to the court by its custodian, SPO1 Gina Abay. Edgar identified it as the same knife which they took from the possession of Siapno. The prosecution and the defense stipulated that SPO1 Abay was the one who investigated Dulce.

Joselito corroborated the testimony of Edgar. He declared that while they were roving the area around 2:00 p.m. on July 30, 2009, somebody called them via radio requesting for help. He responded together with Edgar, Cacdac, Marquez, and Bantay. When they arrived at Dulce's residence, there was a commotion inside because Siapno got her child ("kinuha nya yong bata"). Dulce was in the garage, while they could hear Chloe crying inside the CR. They tried to open its door, but it was locked. They talked to Siapno, telling him to go out since the tanods were there and that the policemen were arriving. About five minutes after, Siapno opened the door, handed over the child, and threw the fan knife at the CR's floor. Joselito took the knife and gave it to Bantay. They then went to the barangay hall to have the incident entered in the blotter.

Upon the request of the Chief of Police of QCPD Station 10, Dr. Shanne, who was the Medico-Legal Officer of the Quezon City Police District Crime Laboratory, conducted the physical examination of Chloe. Based on her medico-legal report, she found reddening of the right clavicular line area of the child which may have been caused by a knife that is not sharp, or one that is pointed but does not touch the skin or no pressure was employed.

On the other hand, Siapno claimed that he has known Dulce a long time ago as she is the wife of Ronald, who is the cousin of his (Siapno) cousin, Samuel Tibay, Jr. He met her on several occasions every time they (Dulce's family) would go to Pililia, Rizal. On July 30, 2009, he went to Ronald's residence because he wanted to talk to him about his brother's relationship with Len, who is the wife of his brother, Marcelino Siapno. Dulce told him to come back on Sunday because her husband was at work. Considering that he came all the way from Pililia, he requested if he could just call him. When Dulce gave Ronald's cellphone number, he tried to find a pay phone in the nearby market of Roxas District but to no avail. When he went back, Dulce got angry at him as she opened the gate. She called him makulit, uttered harsh words, and demanded that their family leave their place in Pililia because it belongs to her husband. They had a verbal altercation. Dulce, who was carrying Chloe in her left arm, tried to close the gate, but he pushed it and managed to enter. As if scared, she suddenly shouted and became hysterical. Despite his effort to prevent her from getting out, she was able to run outside while screaming. In the process, he got hold of Chloe and was left in his arms. He was surprised. Less than five minutes later, the BPSOs arrived as he stood in the driveway carrying the child. They told him to give Chloe, which he immediately did. Subsequently, he was handcuffed, brought to the barangay hall, and turned over to Police Station 10. He denied

the commission of the acts imputed against him and surmised that the case was fabricated by Dulce in view of his family's refusal to vacate their residence in Pililia, with respect to which there is a pending land dispute.

On June 22, 2012, the RTC convicted Siapno of the crime charged. The fallo of the Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Leonardo Siapno Guilty beyond reasonable doubt of the crime of Serious Illegal Detention and is sentenced to suffer the penalty of RECLUSION PERPETUA and to pay the costs.

SO ORDERED.[8]

According to the trial court, all the elements of serious illegal detention under Article 267 of the RPC are present in this case: (1) Siapno is a private individual, being a technician by profession; (2) he forcibly took custody of Chloe without the intention of giving her up until and unless his demand to talk to Ronald was met; (3) his detention of the victim was unwarranted because he had no legal justification in taking custody of the child, much more of bringing her inside the CR; and (4) at the time of the commission of the offense, Chloe was a minor, being only one year, seven months, and twenty-seven days old.

The appeal was found to be without merit. The CA affirmed the judgment of conviction, but modified the penalty imposed. It ordered:

WHEREFORE, in light of all the foregoing, the judgment dated June 22, 2012 of Branch 94 of the Regional Trial Court of Quezon City in Criminal Case No. Q-09-160093 is hereby AFFIRMED with MODIFICATION.

Accused-appellant Leonardo Siapno is hereby found guilty beyond reasonable doubt of the crime of Serious Illegal Detention and is meted the penalty of reclusion perpetua. He is likewise ordered to pay the victim, Chloe Capisona Tibay, the amount of P50,000.00 as civil indemnity and P50,000.00 as moral damages, which shall bear interest at the rate of six percent (6%) per annum, until fully paid.

SO ORDERED.[9]

Siapno insisted that he got hold of Chloe purely by accident, with no intention of ever taking the child from her mother, and that he remained in the driveway of the house all the time, never taking the victim as hostage inside the CR. However, the appellate court ruled that this version of facts is incredible. For the CA, a mother like Dulce would hold tightly to her child while trying to flee from someone whom she was scared of. And assuming that Chloe was inadvertently dropped at Siapno's arms, it is contrary to human experience that a mother would leave her child with a person whom she views as a threat to their safety. Moreover, the incident was witnessed by two barangay tanods who positively identified Siapno as the person who, while in possession of a knife, took Chloe as hostage in the CR of the family home. The testimonies of Edgar and Joselito were consistent, spontaneous, straightforward, and credible. No allegation was made, much less proven, to show that they had ill motive to falsely testify against Siapno.

Before Us, the Office of the Solicitor General (OSG) and the Public Attorney's Office (PAO) manifested that they would dispense with the filing of a Supplemental Brief considering that no new issues material to the case which were not elaborated were discovered and that the issues were already fully and exhaustively discussed in their respective briefs filed before the CA.[10]

The Court finds that accused-appellant Siapno failed to sufficiently show reversible error in the judgment of conviction as to warrant the exercise of Our appellate jurisdiction.

Time and again, we have ruled that the findings of the trial court on the credibility of witnesses and their testimonies are entitled to the highest respect and will not be disturbed on appeal in the absence of any clear

showing that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which would have affected the result of the case. 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 sigh, the candor or lack of it, the scant or full realization of the solemnity of an oath, the carriage and mien.

Kidnapping and serious illegal detention is defined and punished under Article 267 of the Revised Penal Code (RPC), as amended by Republic Act (RA) 7659:

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:

1. If the kidnapping or detention shall have lasted more than three days.
2. If it shall have been committed simulating public authority.
3. 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.
4. 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 abovementioned were presented 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 crime has the following elements: (1) the offender is a private individual; (2) he kidnaps or detains another, or in any manner deprives the latter of his liberty; (3) the act of detention or kidnapping is 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.

x x x x

The essence of the crime of kidnapping is the actual deprivation of the victims liberty, coupled with the intent of the accused to effect it. It includes not only the imprisonment of a person but also the deprivation of his liberty in whatever form and for whatever length of time. It involves a situation where the victim cannot go out of the place of confinement or detention, or is restricted or impeded in his liberty to move.[11]

If the victim is a child, the deprivation of liberty also includes the intention of the accused to deprive the parents of the custody of the child.[12] Moreover, the victim's lack of consent is presumed when the victim is a minor.[13]

In this case, based on testimonial and documentary evidence extant from the records, the prosecution was able to establish the presence of all the elements of serious illegal detention under Article 267 of the RPC. Siapno, a private individual, knowingly and without lawful authority detained a minor, causing deprivation of the victim's

liberty and of the mother's custody over her child.

The prescribed penalty for serious illegal detention under Article 267 of the RPC is reclusion perpetua to death. There being no aggravating or mitigating circumstance in the commission of the offense, the proper penalty to be imposed is reclusion perpetua together with the accessory penalty provided by law.[14]

In line with prevailing jurisprudence,[15] the CA correctly ordered Siapno to pay the victim P50,000.00 as civil indemnity and P50,000.00 as moral damages. Pursuant to Article 2219 of the Civil Code, he is liable for moral damages due to the serious anxiety and fright suffered by the child when she was detained. An interest at the rate of six percent (6%) per annum shall be imposed on all damages awarded from the date of the finality of this judgment until fully paid.[16]

WHEREFORE, premises considered, the appeal is DISMISSED for lack of merit. The September 24, 2014 Decision of the Court of Appeals in CA-G.R. C.R. HC No. 05646, which affirmed with modification the June 22, 2012 Decision of the Regional Trial Court, Branch 94, Quezon City, convicting accused-appellant Leonardo Siapno of the crime of Serious Illegal Detention under Article 267 of the Revised Penal Code, is AFFIRMED WITH MODIFICATION. Siapno is sentenced to suffer the penalty of reclusion perpetua, with the accessory penalty provided by law and ordered to pay the victim P50,000.00 as civil indemnity and P50,000.00 as moral damages. All damages awarded shall earn an interest rate of six percent (6%) per annum to be computed from the finality of the judgment until fully paid.

SO ORDERED.

Carpio, Acting C.J., (Chairperson), Perlas-Bernabe, and Reyes, JJ., concur.
Caguioa, J., on leave.

[1] Penned by Associate Justice Sesinando E. Villon, with Associate Justices Florito S. Macalino and Pedro B. Corales concurring; rollo, pp. 2-15; CA rollo, pp. 80-93.

[2] Records, pp. 94-103; CA rollo, pp. 29-39.

[3] Records, p. 1.

[4] Id. at 22.

[5] Id. at 18.

[6] Spelled as "Leandro" in the Pinagsamang Sinumpaang Salaysay (Records, p. 7).

[7] Spelled as "Teodoro" in the Pinagsamang Sinumpaang Salaysay and "Leopoldo" in the testimony of Joselito S. Campo (Records, p. 7; TSN, March 1, 2011, p. 10).

[8] Records, p. 103; CA rollo, p. 39.

[9] Rollo, pp. 14-15; CA rollo, pp. 92-93.

[10] Rollo, pp. 25-33.

[11] *People v. Jacalne*, 61A Phil. 139, 145-147 (2011) (Citations omitted).

[12] *People v. Baluya*, 664 Phil. 140, 150 (2011).

[13] *People v. Siongco et al.*, 637 Phil. 488, 500-501 (2010).

[14] *People v. Lerio*, G.R. No. 209039, December 9, 2015, 777 SCRA 373, 382; *People v. Jacalne*, supra note 11, at 149; *People v. Anticamara, et al.*, 666 Phil. 484, 515 (2011); and *People v. Madsali, et al.*, 625 Phil. 431, 457 (2010).

[15] *People v. Jacalne*, supra note 11, at 149; *People v. Anticamara, et al.*, supra note 14, at 517-518; and *People v. Madsali, et al.*, supra note 14, at 459.

[16] See *Bangko Sentral ng Pilipinas Circular No. 799, Series of 2013*, effective July 1, 2013, in *Nacar v. Gallery Frames, et al.*, 716 Phil. 267 (2013).

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