

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MAIDA TOMIO ALIAS SATO TOSHIO AND NAKAJIMA TAGAHIRO ALIAS YAMADA TAKAO, ACCUSED-APPELLANTS.

G.R. No. 74630. September 30, 1991

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

Appellants were arrested at about 3:45 o'clock in the afternoon of 12 May 1986 at the main branch of the Rizal Commercial Banking Corporation (RCBC) in Makati, Metro Manila, while allegedly receiving the partial payment of the ransom money from Tatsumi Nagao, a Japanese tourist. On 15 May 1986, an Information for Kidnapping and serious illegal detention for ransom (Article 267 of the Revised Penal Code) was filed against them with the Regional Trial Court of Manila by Vivencio Dionido, Assistant City Fiscal of Manila, which was docketed as Criminal Case No. 86-45055. The accusatorial portion of the Information reads:

"That on or about May 2, 1986, and subsequently thereafter, in the City of Manila, Philippines, the said accused, conspiring and confederating together with six (6) others whose true names, real identities and present whereabouts are still unknown and helping one another, being then private individuals, did then and there wilfully, unlawfully and feloniously, for the purpose of extorting ransom from the immediate family of TATSUMI NAGAO, kidnap or detain the latter and deprive him of his liberty, without legal justifications and against his will.

Contrary to Law."

The information was filed after an ex-parte preliminary investigation, conducted pursuant to General Order No. 39, since the offended party is a tourist. This General Order grants civil courts concurrent jurisdiction with the military tribunals over crimes where the offended party is a tourist or a transient, which the former has to dispose of within twenty-four (24) hours after their filing by the arresting officers.[1]

On 16 May 1986, the trial court issued an Order setting the arraignment and trial of the appellants on 19 May 1986 and appointing Citizens Attorney Abdulkalim Askali of the CLAO (now PAO) as counsel de officio for the accused.[2]

On 19 May 1986, appellants, through a de parte counsel, Jose T. Arroyo, filed with the Office of the City Fiscal of Manila a Very Urgent Motion For Re-investigation[3] alleging therein that the Information was filed without the benefit of a preliminary investigation and that they are innocent, which they can prove at a preliminary investigation.

However, the records fail to show that Atty. Arroyo insisted on this motion. On the contrary, at the arraignment on 19 May 1986, he categorically stated that the appellants were ready for arraignment, and even requested for a Japanese interpreter, which was not favorably acted upon since the appellant understand and can speak English and Tagalog.[4] Both having entered a plea of not guilty, trial proceeded immediately.[5]

At the trial on that day and the succeeding two days, the prosecution presented seven witnesses, namely: Pat. Eugenio Guillermo, Pat. Marlon Ursua, Cpl. Virgilio Cabural, complainant Tatsumi Nagao, Sgt. Jovito Gutierrez, Wally Martinez and Daishin Nagao, and offered documentary exhibits.

For their defense, appellants relied on their own testimonies which they gave in open court on 22 May 1986.

On 27 May 1986, the trial court promulgated a decision finding the appellants guilty beyond reasonable doubt of the crime charged and sentencing each of them to suffer the death penalty and to pay the costs.[6]

The case is now before Us for automatic review.

The facts of the case, as established by the evidence for the prosecution and summarized by the Solicitor General in the Brief for the Appellee, are:

"Tatsumi Nagao, a Japanese national, arrived in Manila on April 29, 1986 for a five-day vacation tour and was billeted at the Holiday Inn (pp. 5-6, tsn, May 21, 1986).

On May 2, 1986, while Nagao was having lunch alone at the coffee shop of the hotel, two (2) Japanese men approached his table and asked him if he were a Japanese to which he answered in the affirmative. Later, he came to know one of the men as Maida Tomio alias Sato Toshio and the other as Mitamura. They joined him at his table and informed him that they have been in the Philippines for quite a time and offered themselves as his guides in Manila. Thereafter, Mitamura brought him to the sauna bath of the hotel and a department store in Manila. Eventually, they ended up at the Leo's Restaurant located along Roxas Boulevard at around 7:30 o'clock in the evening where they had dinner. Before leaving the restaurant, Nagao's companion placed a pack of cigarettes on his (Nagao's) shirt pocket and instructed him to just wait because he has to talk to a taxi driver. After taking a few steps from the restaurant, Nagao was approached by five (5) plainclothesmen who identified themselves as policemen. They bodily searched him and found the pack of cigarettes earlier given him which the policemen claimed contained marijuana. Thereafter, the policemen brought him to the Southern Police District Station (pp. 23-26, tsn, May 20, 1986).

While Nagao was at the police station, accused-appellant Tagahiro Nakajima alias Yamada arrived. Later, Sato Toshio alias Maida Tomio also arrived. Both acted as interpreters for him. One of them informed him that if he is found guilty of possession of marijuana, he can be sentenced from six (6) to twelve (12) years imprisonment. The two (2) then suggested that Nagao give money to the policemen who, they claim, demanded U.S.\$100,000.00 for his release. Nagao agreed. Thereafter, Toshio and Nakajima informed him that they had advanced the payment of the bribe money to the policemen who, accordingly, agreed to release him (pp. 36-41, tsn, May 20, 1986).

Thereafter, Nagao returned to his hotel escorted by the appellants and a policeman. While there, his escorts did not allow him to leave the hotel. They also demanded that he immediately call up his parents in Japan for the money they allegedly advanced. Instead of calling up his parents, he called up a friend and told him of his predicament. The three escorts stayed with him in the hotel up to 10:00 o'clock the following morning. Thereafter, they checked out and transferred to the Intercontinental Hotel in Makati. Appellants again ordered Nagao to call up his parents. Later, appellants transferred Nagao to the Philippine Village Hotel where they again asked him to call up his father in Japan about the money. Nagao's father refused to pay the amount demanded but when Sato talked to him over the phone, he agreed to pay three million yen (pp. 17-31, tsn, May 21, 1986).

From the Philippine Village Hotel, Nagao was brought by the appellants to the Virra Condominium in Makati. When he called up his father upon orders of the appellants, he learned that his father had already remitted money to the Rizal Commercial and Banking Corporation (RCBC) in Makati. Forthwith, appellants brought Nagao to RCBC where he withdrew U.S.\$1,850.00 and gave it to them. Upon leaving the bank, they were met by policemen from the Western Police District whose help had been earlier sought on May 8, 1986 by the

Japanese Embassy in Manila. Appellants and Nagao were brought to the Western Police District for investigation (pp. 38-40, tsn, May 19, 1986).

Appellants were subsequently charged with the crime of kidnapping and serious illegal detention. x x x."[7]

Upon the other hand, the version of the accused-appellants, as testified to by them, is summarized by the trial court as follows:

"The version given by the defense in exculpation of the accused is as follows:

On May 2, 1986, the accused NAKAJIMA TAGAHIRO alias YAMADA TAKAO met for the first time Tatsumi Nagao at the Southern Police District headquarters in Manila. Tatsumi had been arrested by the police earlier for possessing marijuana cigarettes and since he could not speak English very well he was contacted to act as Nagao's interpreter. Nagao intimated to him that he (Nagao) wanted to settle the case and offered money to the police. The accused MAIDA TOMIO alias SATO TOSHIO later came and together they requested the police to release Nagao because according to him the marijuana was not his but belonged to somebody who gave it to him. Nagao told the accused that he offered to pay the amount of US\$100,000 to the police which he said he would borrow them from a friend. Yamada told Nagao that the amount was too much and suggested that he (Nagao) should call his father in Japan to send the money here. Nagao was ultimately released by the police for some reason not known to Yamada and he went back to his hotel at Holiday Inn together with the accused YAMADA and SATO.

At the hotel Nagao called up his friend in Japan with the help of YAMADA who placed the call since Nagao cannot speak English. YAMADA did not have occasion to talk to Nagao's friend over the phone. After 30 minutes, another call was made by Nagao to Japan. That night of May 2 both accused slept with Nagao in the latter's room at Holiday Inn due to Nagao's request not to leave him inside the hotel.

The following day, May 3, Nagao did not know where to go so the accused suggested they look for the cheapest hotel or one where they could stay on credit. The accused MAIDA then made arrangements with a travel agency and, after checking in at the Intercontinental Hotel, they checked out of Holiday Inn and transferred to the Intercontinental Hotel where they stayed up to May 7. At this hotel, Nagao made many phone calls to Japan the accused YAMADA always placing the calls for Nagao. During their stay at the hotel the accused and Nagao went on foot to see a movie at the Quad Theater and to eat at a Japanese restaurant. They also went to Maallicaya Sauna Bath in Quezon City about four times around 10:00 to 11:00 in the evening where Nagao was left alone in one of the rooms with his massage girl attendant. On some of those occasions Nagao would finish first and would wait for the accused at the lobby. Twice Yamada brought Nagao to his house because Nagao requested him not to leave him. On one occasion, the three of them brought down a Filipina girl from their hotel room but only Nagao accompanied her outside the hotel for five to fifteen minutes to see her off and then he came back to the hotel.

Yamada denies that he and Sato were always guarding Nagao. As a matter of fact, one time while they were at Virra Condominium the accused went out together to meet some Japanese in Roxas Boulevard around midnight and went back to the hotel almost 4:00 in the morning leaving Nagao alone in the hotel room in the meantime. At Virra Condominium they stayed for two (2) or three (3) days together in one room with Nagao sometimes holding the key to the room. There Nagao also would go out to buy something, eat meals and have some fun. He even bought Nagao, who was with him, a t-shirt in Makati where there were many people. With the help of accused Maida, Nagao made an overseas call to Japan at Virra.

The reason they went along with Nagao to the RCBC bank on May 12 was that he did not know how to go there so they brought him to the bank so that he could withdraw the remittance from Japan which was intended as payment for his hotel accommodation and other expenses. After their arrest at the bank they were brought to the WPD headquarters about 4:30 in the afternoon where he (Yamada) was hit by the policemen on his face, body and abdomen. He was also brought inside a room where his hands and feet were tied with a rope and his

face covered with cloth after which water was poured on his nose and mouth while the police were asking him questions. In fact, they started hitting him at the bank while he was handcuffed. Besides, his watch costing around 250,000 yen, his 100 grams 18-karat gold bracelet and his necklace were all taken from him and his Mustang car confiscated. His driver's license was also taken and he lost his money in the amount of almost P3,000.00. The police did not even want to accept the name that he gave them which was Nakajima Tagahiro but insisted on adopting Yamada as his name. When his statement was taken he was not asked to seek the assistance of a lawyer. It was the investigator who made the answers in the statement and he was not even allowed to read it but just to sign it which he did almost 3:00 or 4:00 in the morning already after being subjected to blows on his face. He declared that he never demanded money from Nagao for his release.

On cross-examination Yamada admitted he is an immigrant and has stayed in the Philippines for almost 12 years but is always going back and forth to Japan.

TOMIO MAIDA alias Sato Toshio also met Tatsumi Nagao for the first time on May 12, 1986 but at the coffee shop of Holiday Inn where Tatsumi was staying. SATO had a Japanese guest who needed to change his Philippine pesos to Japanese yen since he was going back to Japan and it was Tatsumi whom SATO saw at the coffee shop and whom he requested to make the currency exchange. Tatsumi was subsequently invited by a Mr. Mitamura to SATO's table where there were many Japanese. Sato left ahead for the airport leaving Tatsumi and Mitamura in conversation. When SATO saw Tatsumi again it was at the Southern Police District headquarters that same day being arrested for illegal possession of marijuana. He talked to the policemen and requested for an interpreter for Nagao since he cannot understand and speak English well. He found out Nagao had promised to pay the policemen \$100,000 already but he was not able to put up the amount. Anyway, he went to the Holiday Inn and there discovered that Nagao had no more money and they talked about the hotel accommodation and other expenses starting the following day. Nagao tried and was able to contact his friend whom SATO did not know. SATO was able to speak over the phone with Mr. Nagao in Japan who asked him to explain what happened. From Holiday Inn they transferred to Intercontinental Hotel where Nagao was able to check in without his passport as SATO brought him an accommodation request from El Sol travel agency. While they were at the Intercontinental Hotel there was no reason Nagao could not leave the hotel as he was always free to leave it. They also went to Maallicaya Sauna Bath where they each had separate rooms.

When he was arrested at the bank with his co-accused his watch, his wallet and his money totaling around P900.00 were taken by the policemen including his necklace and gold bracelet. They also boxed him. During the investigation they let him lie down on the table with his hands handcuffed and, while his face was covered with cloth, they poured water on it. Since he was afraid of what the policemen would do to him he just signed the statement. He did not even know the lawyer Bienvenido de los Reyes who was supposed to assist him during the investigation. He was not allowed to read the statement before he signed it.

From Intercontinental Hotel they transferred to Virra condominium. He brought Tatsumi there because he requested him to look for a cheaper hotel.

On cross-examination SATO disclosed that the Japanese Mitamura whom he met for the first time on May 2, 1986, informed him that a Japanese was arrested by the police for possessing marijuana and that when he arrived at the police headquarters he found out it was Nagao who was the one arrested."^[8]

The trial court ruled that the accused-appellants were guilty as charged because they deprived the offended party, Tatsumi Nagao, of his liberty for the purpose of extorting ransom from him. It said:

"It must be noted that during all this time, from the evening of May 2 until the arrest of the accused in the afternoon of May 12, it cannot be denied that the accused were always with Tatsumi, singly or both of them, at his hotel room and never losing sight of him. As a matter of fact, the only instance he was ever allowed to go out on his own was at the Intercontinental Hotel when he accompanied a girl out of the hotel to send her off but it was only for about five to fifteen minutes and even then the accused were likewise downstairs at the hotel

that Tatsumi thought he was only being tested by the accused whether he would escape. Besides, we have to consider that as far as Tatsumi Nagao was concerned he was in a foreign country with no relatives nor close friends. He could not even speak or understand English well much less speak or understand any Philippine language. On top of this, he had no more money as this was taken from him by the police and, worse, his passport was being held by the accused thus destroying any hope of escape from them. Even if he did escape, where would he go without any money or passport and how would he be able to communicate with people since he could not speak English or tagalog? Moreover, what was foremost in his mind was that he was merely on a temporary leash (sic) from the police who were poised to arrest him anytime he reneged on his alleged promise to pay. This would mean at least six years imprisonment not to mention the ignominy he would cause on his person and the consequent scandal since he is a Buddhist priest. During all this time that he was with the accused he knew that the only way he could prevent any further restraint on his person was to pay the accused from the remittance of his father in Japan. That is why, even if the accused were not armed and did not physically restrain his movements, all these circumstances taken together created in Tatsumi Nagao such fear which actually restrained him from doing what he freely wanted to do and resulted in a deprivation of his liberty. In other words, while there was no money to give to the accused he was stuck with them.

The Court does not believe the allegation of the accused that they were not demanding any money from Tatsumi Nagao for why would they, who only came to know Tatsumi Nagao on May 2, stick to him like a leech from that date until they were arrested on May 12? It could not have been being simply charitable since it would have been more logical to take Nagao temporarily into their homes to avoid further expenses if their intention was really only to help their fellow countryman.

What was then the purpose in demanding for the money? The accused suggest that it was for the purpose of reimbursing them for the expenses they had incurred in accommodating Tatsumi Nagao in the hotels and other places. Even if the purpose of the deprivation of liberty of Tatsumi Nagao alleged by the defense be accepted — that is, to compel payment for the expenses incurred by the accused — under Article 267 of the Revised Penal Code, as amended by Republic Act No. 1084, the offense is still kidnapping for ransom. Under American rulings, 'ransom' has been held to mean in its ordinary sense as 'money, price or consideration paid or demanded for redemption of a captured person or persons, a payment that releases from captivity' (See 75 C.J. 458; 36 Words and Phrases, 102; Keith vs. State, 163, So. 136, 120 Fla. 847). Since the accused in this case demanded and received money as a requisite for releasing Tatsumi Nagao from their hold, whatever other motive may have impelled them to do so, the money is still 'ransom' under the law."^[9]

On 22 July 1986, Atty. Arroyo filed with this Court his Withdrawal of Appearance as counsel for the appellant Maida Tomio.^[10] The law firm of Atienza, Tabora, Del Rosario and Castillo then entered its appearance for the latter.

On 18 August 1986, before they could file their Brief, appellants, through another lawyer, Atty. Dominador R. Sta. Maria, Jr., filed with this Court a petition for habeas corpus,^[11] which was docketed as G.R. No. 75576. They allege therein that the decision of the court below in Criminal Case No. 86-45055, subject of G.R. No. 74630, is "void and illegal" because, among other things, before being investigated, they were tortured, threatened and deprived of their constitutional rights to due process and equal protection of the laws; moreover, aside from the fact that no preliminary investigation was conducted, the complainant's father influenced the Judge directly, making the latter's decision "partial, bias (sic) and prejudiced", and the trial court lacked jurisdiction over the offense charged as it was committed at the Holiday Inn Hotel in Roxas Boulevard, Pasay City, not in Manila. In the resolution of 19 August 1986,^[12] the Court noted that the questions raised in the petition are also the subject of the appeal in G.R. No. 74630; consequently, the former is but a duplication of the latter which is awaiting the filing of briefs. However, without giving due course to said petition, it required respondents to comment thereon.

In the meantime, specifically on 29 August 1986, appellant Tagahiro Nakajima filed his Brief in G.R. No.

74630[13] wherein he ascribes to the trial court the commission of the following errors:

"I

x x x IN CONVICTING THE ACCUSED OF THE CRIME OF KIDNAPPING;

II

x x x IN FINDING THAT FROM THE EVENING OF MAY 2 TO MAY 12, THE ACCUSED WAS ALWAYS WITH NAGAO;

III

x x x IN CONCLUDING THAT ESCAPE FOR TATSUMI NAGAO WAS IMPOSSIBLE BECAUSE HE IS IN A FOREIGN COUNTRY WITH NO CLOSE RELATIVES AND FRIENDS, BECAUSE HE COULD NOT EVEN SPEAK OR UNDERSTAND ENGLISH WELL OR UNDERSTAND ANY PHILIPPINE LANGUAGE, AND BECAUSE HE HAD NO MONEY AND PASSPORT, WITH NOWHERE TO GO;

IV

x x x IN FINDING THAT THE ACCUSED HELD THE PASSPORT OF TATSUMI NAGAO;

V

x x x IN CONCLUDING THAT IT WOULD HAVE BEEN MORE LOGICAL IF THEY TOOK NAGAO TO THEIR OWN HOUSES;

VI

x x x IN CONCLUDING THAT THE ACCUSED DEMANDED FOR RANSOM; and

VII

x x x IN FINDING THAT THE ACCUSED DEMANDED AND RECEIVED MONEY AS PREREQUISITE FOR RELEASING NAGAO."

By way of an additional assigned error, which is unnumbered, but which he claims to invoke for the first time, he alleges that the trial court has no jurisdiction over the crime charged because it was not committed in Manila; if it were committed at the Holiday Inn Hotel, which is not located in Manila but in Pasay City, it is the proper court of the latter city which has jurisdiction over it.

Upon the other hand, appellant Tomio Maeda, through his counsel, filed his Brief[14] on 18 October 1986. He contends that:

"I

THE TRIAL COURT ERRED IN ITS HURRIED AND RAILROADED DISPOSITION OF THE CASE OF THE ACCUSED TOMIO MAEDA AND TAGAHIRO NAKAJIMA WHOSE RIGHTS TO DUE PROCESS AND FAIR AND IMPARTIAL PUBLIC TRIAL WERE DENIED.

II

THE TRIAL COURT ERRED IN COMPLETELY DISREGARDING THE POSITIVE AND CATEGORICAL TESTIMONIES OF THE ACCUSED TOMIO MAEDA AND TAGAHIRO NAKAJIMA THAT THEY DID NOT KIDNAP OR DETAIN COMPLAINANT TATSUMI NAGAO NOR DID THEY DEMAND MONEY FOR HIS RELEASE.

III

THE TRIAL COURT ERRED IN FINDING THAT ALL THE ELEMENTS OF KIDNAPPING WITH RANSOM WERE PRESENT NOTWITHSTANDING THE FACT THAT THE EVIDENCE PRESENTED BY THE PROSECUTION WERE GROSSLY INSUFFICIENT TO ESTABLISH THE EXISTENCE OF THE ALLEGED OFFENSE.

IV

THE TRIAL COURT ERRED IN NOT ACQUITTING ACCUSED TOMIO MAEDA AND TAGAHIRO NAKAJIMA ON THE GROUND THAT THEIR GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT."

On 27 November 1986, the Plaintiff-Appellee, through the Office of the Solicitor General, filed a motion for leave to file a consolidated Appellee's Brief,[15] which the Court granted in the resolution of 2 December 1986.[16]

Then, on 4 December 1986, the Office of the Solicitor General filed a Comment for the respondents in G.R. No. 75576[17] asserting therein that considering that petitioners (accused-appellants) perfected their appeal from the challenged decision, they cannot avail of the writ of habeas corpus since the main purpose of the latter is to determine whether or not a petitioner is legally detained.[18] The issues then in the petition should be threshed out in the appeal.

In the resolution of 29 January 1987,[19] We dismissed the petition for habeas corpus on the ground that, per Section 4 of Rule 102 of the Rules of Court, where the commitment is pursuant to a judgment of conviction, the writ of habeas corpus will not lie. We further said:

"In the present case, the petitioners have been found guilty beyond reasonable doubt of kidnapping with ransom. They were accordingly sentenced and are now suffering imprisonment by virtue thereof. Dismissal of the petition is thus warranted, for their assertion that they are being illegally deprived of freedom is without support in law.

Moreover, considering that the substance of the issues under consideration is closely interrelated or shows a 'parallelism' to the errors allegedly incurred by the trial court and assigned by petitioners in their briefs filed in G.R. No. 74630, the Court agrees with the submission of the Solicitor General that the matters in controversy should be resolved in G.R. No. 74630. This is in conformity with the settled rule that 'when a court has jurisdiction of the offense charged and the person of the accused, its judgment, order or decree is valid and is not subject to collateral attack by habeas corpus, for this cannot be made to perform the function of a writ of error, and this holds true even if the judgment, order or decree was erroneous.' (Sotto vs. Director of Prisons, 5 SCRA 293, citing Vda. de Talavera vs. Superintendent and Warden of the Correccional (sic) Institution, 67 Phil. 538)."

Unsatisfied with the said Resolution, petitioners filed on 17 March 1987 a motion for its reconsideration,[20] focusing on the issue of lack of jurisdiction on the part of the trial court, to which a Comment was filed by the Office of the Solicitor General on 10 April 1987.[21] Thereafter, petitioners filed a reply to the comment.[22]

This motion remains unresolved.

On 14 April 1987, the Office of the Solicitor General filed the Appellee's Brief in G.R. No. 74630 wherein it prays that this Court affirm the judgment of conviction but reduce the penalty to reclusion perpetua pursuant to the new Constitution.[23]

The assigned errors of both appellants in G.R. No. 74630 boil down to the following issues:

- 1) Jurisdiction, which, as admitted by appellant Nakajima, is raised for the first time;
- 2) Denial of due process, as raised by appellant Tomio Maeda; and

3) Sufficiency of the evidence for the prosecution to prove the crime charged.

I

There is no merit in the claim of lack of jurisdiction. From the totality of the evidence presented by both parties, the conclusion is inescapable that during the period from 2 to 12 May 1986, the complainant was brought to or taken from different places by the appellants. More specifically, on 2 May 1986, the day when they made their initial, but crucial move on their target, the complainant (hereinafter referred to as Mr. Nagao), appellants, through the overt act of accused Tomio Maeda alias Sato Toshio and another Japanese, brought complainant to "some other places in Manila"[24] after they succeeded in getting his trust and confidence, following a conversation over lunch in a coffee shop at Holiday Inn Hotel.

The essential ingredients of the crime charged were thus committed in various places.

The case can, therefore, be filed with the appropriate court in any of the places where the complainant was brought to by the appellants in the pursuit of or in connection with the crime charged. Section 15 of Rule 110 of the Rules of Court provides that subject to existing laws, in all criminal prosecutions, the action shall be instituted and tried in the court of the municipality or territory wherein the offense was committed or any one of the essential ingredients thereof took place.[25]

Moreover, in the proceedings below, there was not even the slightest suggestion from the appellants to express their doubts as to the jurisdiction of the court over the case. They did not present any evidence to show that all of the acts involved in or related to the offense charged took place outside Manila. On the contrary, from their arraignment until the promulgation of the decision, they unequivocally recognized and then yielded to the trial court's jurisdiction over their persons and the offense charged. They voluntarily expressed their readiness to be arraigned,[26] as in fact they were, abandoning in effect their urgent motion for reinvestigation. They took very active part in the trial by extensively and exhaustively cross-examining the witnesses for the prosecution, testifying for themselves in the most detailed manner as possible to conform with the strategy of their counsel, and allowing themselves to be cross-examined by the prosecuting fiscal. There can be no doubt that such active participation was motivated by one desire and was riveted to one goal: a judgment of acquittal on the merits, which necessarily carried with it an unqualified invocation of the jurisdiction and authority of the court. Settled is the rule that a party who voluntarily submitted his cause before a trial court, actively participated in the hearings therein, or invoked its jurisdiction, may not be heard to question its jurisdiction.[27] It would be placing a premium on bad faith and yielding to attempts to make a mockery of the judicial process if a party would be permitted to question the very power and authority which he invokes for his own benefit or advantage once he fails to obtain it.

II

Anent the denial of due process, the main grievance of appellant Tomio Maeda focuses on the alleged "railroaded disposition of the case." The filing of the case pursuant to General Order No. 39, which mandates that it should be disposed of within twenty-four (24) hours after filing by the arresting officer, is inconsistent with the need to make a thorough review and assessment of the facts, considering the gravity of the imposable penalty. He further claims that they were tortured and forced to sign statements in the absence of their lawyer, and that the trial on the merits was an example of "justice in haste, justice denied."

We are not impressed by the plea.

In the first place, the statements they made during custodial interrogation were not taken into account against them. On the contrary, the trial court rejected such statements in toto and deplored the failure of the police to

comply with the procedure prescribed by this Court in making an arrest and in conducting a custodial investigation. Said the trial court:

"At the outset, it may not be amiss to immediately point out that in the case of *Morales vs. Ponce Enrile*, 121 SCRA 538, and reiterated in the more recent case of *People vs. Galit*, G.R. No. 51770, March 20, 1985,[28] the Honorable Supreme Court laid down the correct procedure for peace officers to follow when making an arrest and in conducting a custodial investigation, thus:

'7. At the time a person is arrested, it shall be the duty of the arresting officer to inform him of the reason for the arrest and he must be shown the warrant of arrest, if any. He shall be informed of his constitutional rights to remain silent and to counsel, and that any statement he might make could be used against him. The person arrested shall have the right to communicate with his lawyer, a relative, or anyone he chooses by the most expedient means — by telephone if possible — or by letter or messenger. It shall be the responsibility of the arresting officer to see to it that this is accomplished. No custodial investigation shall be conducted unless it be in the presence of counsel engaged by the person arrested, by any person on his behalf, or appointed by the court upon petition of either the detainee himself or by anyone on his behalf. The right to counsel may be waived but the waiver shall not be valid unless made with the assistance of counsel. Any statement obtained in violation of the procedure herein laid down, whether exculpatory or inculpatory, in whole or in part, shall be inadmissible in evidence.'

The Court notes in this case that there was not even an attempt on the part of the police investigators to allow or give a chance to the accused to be assisted by a counsel of their own choice during the custodial investigation. When, indeed a lawyer was provided the accused he turned out to be, after all, a team member of the same police force investigating the accused. When the accused finally signed their respective statements it was already in the early morning of the following day when the said lawyer who was supposed to assist them was no longer around. Even the waiver of the accused Yamada of his right to counsel has not been shown to have been assisted by counsel. The Court therefore doubts the voluntariness of the statements of the accused (Exhs. "C" and "K"). Hence, the same must be rejected in toto."

In the second place, while it may be true that the trial lasted only for a few days and the decision was promulgated on the twelfth day after the filing of the information, there is nothing on record that may cast any doubt on the impartiality and neutrality of the judge or on the fairness of his decision which, as We observe, manifests a careful and thorough analysis of the evidence. Appellants made no protest in the court below as to the manner the trial was conducted. After they completed their testimonies and offered their Exhibit "1", their counsel announced that "we are respectfully submitting our case for decision of this Honorable Court." [29] They did not even ask for time to submit a memorandum to aid the court in appreciating the evidence, if indeed the facts and the issues were complicated. They cannot now be heard to complain that it hastily decided the case, or that it did not make a thorough review and assessment of the evidence.

In the third place, all the requisites of due process are present in this case, to wit: (a) a court or tribunal clothed with judicial power to hear and determine the matter before it; (b) jurisdiction lawfully acquired by it over the person of the appellants and over the offense; (c) the appellants were given an opportunity to be heard; and (d) judgment was rendered upon lawful hearing.[30]

In *People vs. Castillo, et al.*, [31] We ruled that if an accused has been proceeded against under an orderly process of law, and only punished after inquiry or investigation upon notice to him, with opportunity to be heard, and a judgment rendered within the authority of the constitutional law, then he has had due process. In the instant case, as stated in the discussion above on jurisdiction, the accused-appellants actively participated in the hearing of the case before the trial court and had full and unhampered opportunity to cross-examine the witnesses for the prosecution and to present their own evidence.

That General Order No. 39 directs civil courts to dispose of the case within twenty-four (24) hours after its filing by the arresting officer, considering that the offended party is a tourist, does not detract from the above conclusion that appellants were not deprived of due process. The requirement, which is merely directory, is not wanting in reason or purpose. The stay of tourists in the country is limited in duration. Tourism is a major dollar-earning industry which the Government has been trying to promote. Corollarily, it must have to adopt policies to attract tourists and to insure their safety and security while they are in the country. Special laws bearing upon procedure, with the end in view of expediting the hearings and disposition of criminal cases where tourists are the offended parties, may be validly enacted provided that there is substantial compliance with procedural due process and non-impairment of substantive due process.

III

The third issue requires a determination as to whether or not the prosecution has established beyond reasonable doubt the elements of the offense charged. Appellants contend that it has not, for Mr. Nagao was not restrained of his liberty; he was free and could have easily escaped. As to the ransom, appellant Tagahiro Nakajima asserts that:

"The money remitted by Nagao's father was for the payment of his son's hotel bills, and not for ransom purposes (p. 96, tsn., May 21, 1986). Further Nagao's father testified that 'The reason why I remitted this money because I want to know whether my son can get this money and to know the whereabouts of my son, sir.' (p. 107, tsn., May 21, 1986)."[32]

However, appellant Tomio Maeda has a different version. According to him, it was in payment of the sum which they advanced to the police for and in behalf of Mr. Nagao to secure the latter's release, and the amount spent for hotel accommodations and additional expenses they incurred in his behalf. Otherwise stated:

"x x x a simple contract of loan existed between complainant and the accused whereby the complainant incurred a legal as well as moral obligation to pay for the expenses advanced by the 2 accused in his favor. This is another reason why complainant stayed in the company of the accused. In the words of the complainant himself, he deemed it 'an obligation upon himself to pay for the expenses' advanced by the 2 accused in accommodating him (tsn, May 21, 1986, p. 24-25). Thus, there was no force or compulsion in exacting payment from the accused. There was no demand, as there was no need for it. The complainant knew that he had an obligation and that he had to comply with it. The money to be paid was rightfully due to the 2 accused. It was nothing more than a payment for a debt in money."[33]

The trial court found otherwise. Its findings were based on its appreciation of the evidence for the parties which, in turn, revolved upon the credibility of the witnesses. It is well-settled that the conclusion of the trial court on the credibility of witnesses is entitled to great weight and respect; and, unless there are substantial facts and circumstances that have been overlooked, which if considered might affect the result of the case, such findings are generally not disturbed on appeal. The reason for this is that the trial court is in a better position to observe the deportment and demeanor of witnesses to determine the veracity of their answers;[34] it has the inestimable advantage of observing the detailed demeanor of the witnesses.[35]

We find no reason to depart from this rule. A painstaking review of the evidence in this case clearly discloses the correctness of such findings.

The evidence for the prosecution has established beyond reasonable doubt that appellants, together with their co-conspirators, had an elaborate and carefully designed plan to kidnap Mr. Nagao in order to obtain ransom from him. The plan was effectively carried out at lunchtime on 2 May 1986 at the coffeeshop in Holiday Inn Hotel when appellant Tomio Maeda alias Sato Toshio approached Mr. Nagao to find out if the latter had Japanese yen to be converted to Philippine pesos because a friend was to leave for Japan and needed the yen; Tomio succeeded in

having P1,100.00 exchanged for 10,000.00 yen belonging to Mr. Nagao. Then, another Japanese companion of Tomio, one Mr. Mitamura, invited complainant to join them at their table. Tomio left them and proceeded to the airport to send off his friend who was to depart for Japan.[36] By his additional admissions on cross-examination, he clearly revealed, though rather unwittingly, how the plot would be pursued with the assistance of law enforcement authorities. As early as 3:00 o'clock in the afternoon of that day, Mr. Mitamura called Tomio by telephone to inform him that a Japanese was arrested for having marijuana in his possession, although the name of the latter was not mentioned. Without even being informed as to where the arrested party was brought, Tomio proceeded to the Southern Police District and, upon arriving there at 4:00 o'clock, merely informed the police that a Japanese has marijuana in his possession. He could not, however, mention the name of said Japanese.[37]

It should be stressed that at that time, Mr. Nagao had not yet been "arrested" by five (5) policemen of the Southern Police District for possession of a pack of cigarettes allegedly containing marijuana. He was arrested after seven o'clock that evening following a dinner at Leo's Restaurant.

This visit then of Tomio to the Southern Police District must have had something to do with a conspiratorial arrangement with some personnel of said office, more specifically the five policemen who, at past 7:00 o'clock that evening, pounced on Mr. Nagao and "arrested" him for alleged possession of marijuana.

From the Southern Police District, Tomio called Mitamura, who was in the complainant's room at Holiday Inn Hotel; Mitamura told him that they were to take their dinner at Leo's Restaurant. They did in fact have dinner at Leo's Restaurant,[38] although on direct examination, he said that after the meeting at lunchtime, he saw complainant again only at the Southern Police District.[39]

At Leo's Restaurant, Tomio claims:

"a

x x x. Later on we saw one Japanese holding marijuana inside the restaurant and then Mr. Mitamura requested to call or contact the police in order that this Japanese who was in possession of marijuana be arrested.

q

So you were informed by Mitamura to contact the southern police district (sic) that there was this two (sic) Japanese inside the Leo's restaurant who was in possession marijuana cigarette (sic)?

a

Yes, sir.

q

These two Japanese were left at Leo's restaurant and one Japanese was in possession of marijuana cigarettes?

a

Yes, sir.

q

And did this police officer arrested (sic) these (sic) Japanese who is (sic) in possession of marijuana?

a

Yes, sir.

q

And who made this plan?

a

What plan, sir?

q

About you and the southern police. At about 7:00 o'clock were (sic) this Japanese holding marijuana was arrested?

a

That was not a plan, sir. I got only the information from Mr. Mitamura that some Japanese were in possession of marijuana.

q

You just gather (sic) this information from Mr. Mitamura but you really inform (sic) the police?

a

Yes, sir.

q

So that is the plan of Mr. Mitamura?

a

I think so, sir.”[40]

Other than Mr. Nagao, no other Japanese was "arrested" for alleged possession of marijuana at Leo's restaurant in

the evening of 2 May 1986, after a pack of cigarettes was placed inside his left shirt pocket by, according to him, a Japanese.

After complainant was "arrested" by the five policemen from the Southern Police District and brought to the headquarters, Tomio showed up, talked to Mr. Nagao and the policemen and recommended the assistance of an interpreter since, according to him, Mr. Nagao cannot understand and speak English well.[41] The interpreter he had in mind was his co-accused Tagahiro Nakajima, who he forthwith called; the latter lost no time in coming to the Southern Police District to act as Mr. Nagao's interpreter.[42] Mr. Nakajima offered additional information not disclosed earlier, i.e., the policemen "found" in the possession of complainant, not just one pack of cigarettes containing 15 sticks of marijuana, but a smuggling belt.[43]

At the Southern Police District, appellants informed Mr. Nagao that if found guilty of possession of marijuana he can be sentenced anywhere from 6 to 12 years of imprisonment. The two then proposed that he should give money to the policemen, who, they claimed, demanded U.S.\$100,000.00. They informed him that if he will not give the money, his name and his case would be published in the newspapers because, at that time, there were some newspaper reporters outside. Mr. Nagao, however, did not have the money; he proposed to contact his parents. However, after they talked to the police in another room, they informed him that they had advanced the payment to the police who thereafter released him. The appellants and a policeman then brought him to his room at the Holiday Inn Hotel.[44]

The foregoing scenarios were part of the script. With the obvious connivance of the police, they put the pressure on the complainant by demanding, allegedly for and in consideration of his release, the amount aforesaid. Under the circumstances, with the threat of adverse publicity and imprisonment, it was easy to work on him. To show that they commiserated with him, they made it appear that they advanced the money to the police. We are, however, convinced that the accused-appellants never advanced the money. That is why they stuck to the complainant like "a leech", as vividly described by the trial court, after he was eventually "released" by the police. There is no doubt in Our mind that during the period from 3 May 1986 until the accused-appellants were arrested on 12 May 1986, complainant was moved from one hotel to another by the appellants, effectively depriving him of his liberty. As correctly observed by the Solicitor General, while it may be conceded that complainant had the freedom of locomotion, he "did not have the freedom to leave the hotel premises at will and go wherever he pleased." [45] To keep him within their control, appellant Tagahiro Nakajima, who is a businessman and a resident of 101 Peter's Street, BF Homes, Parañaque, Metro Manila, had to abandon his business and his family to be with Mr. Nagao. Thus, as he admitted upon question by the court, he was, from 3 to 12 May 1986, with the complainant at Holiday Inn Hotel, Intercontinental Hotel, Philippine Village Hotel and Virra Condominium. He slept there, not in his residence.[46] The suite (73) which they occupied at Virra Condominium is owned by his co-accused Tomio Maeda.[47]

Moreover, appellants never refuted the testimony of Mr. Nagao made during cross-examination, that at the hotel they told him that if he did not pay them the amount demanded by the policemen, plus the hotel bills and other expenses, they would do something to him; they kept on telling him that if he did not pay them, the policemen would arrest him.[48]

We are not persuaded by the theory of the appellants that the money involved was not ransom money, but rather payment of hotel bills (as claimed by Tagahiro Nakajima) or for reimbursement of the sum they advanced to pay the policemen and for the hotel accommodations and additional expenses spent for complainant (as claimed by Tomio Maeda). In the first place, none of them claimed that either or both of them advanced the money to the police. As a matter of fact, Tagahiro Nakajima testified that he saw the complainant counting the money:

"q

Awhile (sic) ago you stated that he even offered money to the police?

a

Yes, sir.

q

How much?

a

When I was reaching (sic) to them, they are (sic) writing in papers, after that I think he was counting dollar and he told us one hundred thousand US dollar, but suring (sic) that time I was doubtful how come that big amount he cannot pay. the (sic) amount of of (sic) One Hundred Thousand US dollar (sic).

q

Now, was he released by the police?

a

Yes, sir."[49]

Upon the other hand, as far as could be gathered from the testimony of Mr. Tomio Maeda on direct examination, the money given to the police did not also come from him. Thus:

"q

Did you know as to how much money did he promised (sic) to the police?

a

Yes, sir.

q

How much?

a

One Hundred Thousand US. Dollar (sic) (\$100,000.00), sir.

q

And do you know if he was able to put up that amount to the police?

a

No, sir.

q

Now, from the headquarter (sic), where did you go?

a

At Holiday Inn Hotel, sir.

q

And upon reaching Holiday Inn Hotel, what happened or what did you do?

a

Mr. Nagao don't (sic) have any money anymore so we are talking (sic) about hotel accommodation and other expenses starting the next day and he is (sic) also trying to contact his friend, sir."[50]

What then was the money they advanced to the police? Nothing. However, they succeeded in making it appear to Mr. Nagao, after they came out of the room at the Southern Police District, that they advanced the amount to the police, for which reason he was released. This was part of the stratagem to give a semblance of legality to the demand for ransom.

Now then, if indeed the appellants only wanted reimbursement for the money "paid" to the police, and that they were merely motivated by a desire to help a fellow Japanese in distress, why did they have to bring him from one expensive hotel to the other, thereby incurring more expenses? Why did they not bring him to their homes, as the trial court asked, if only to show their genuine concern for him?

Even granting for the sake of argument that, in effect, there was created a simple loan contract between appellants and Mr. Nagao, as asserted by appellant Tomio Maeda, the deprivation of the former's liberty until the amount shall have been fully "paid" to them, is still kidnapping or illegal detention for ransom. In *People vs. Akiran, et al.*, [51] this Court, through Justice J.P. Bengzon, ruled that even if the kidnapping were to compel the victim to fulfill his promise of defraying the hospital expenses of a brother of one of the accused, there is still kidnapping for ransom, since if that were indeed the purpose, the accused need not kidnap the victim. Elaborating thereon, the Court stated that the last paragraph of Article 267 of the Revised Penal Code, as amended by R.A. No. 1084, which took effect on 15 June 1954, which increases the penalty for kidnapping and serious illegal detention if it is committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances mentioned in said Article were present in the commission of the offense is:

"x x x derived from statutes of the United States, particularly the Lindbergh Law. Thus, American jurisprudence thereon has persuasive application. 'Ransom' under American rulings, as used in statutes making kidnapping with intent to hold for ransom a capital offense, has been held to mean in its ordinary sense as 'money, price, or consideration paid or demanded for redemption of a captured person or persons, a payment that releases from captivity.' [52] Since the accused in this case demanded and received money as a requisite for releasing a person from captivity, whatever other motive may have impelled them to do so, the money is still ransom under the law." [53]

The doctrine in the Akiran case is applicable here.

Thus, even if the theory of Tomio is correct, it was not necessary for him and his co-accused Nakajima to deprive the complainant of his liberty to compel him to pay the alleged loan.

We thus hold that upon the evidence adduced by the prosecution, the guilt of the accused for the crime charged was proven beyond reasonable doubt and the trial court committed no error in convicting them accordingly. In view, however, of Section 19(1) of Article III of the 1987 Constitution which abolishes the death penalty and provides that any death penalty already imposed shall be reduced to reclusion perpetua, the penalty imposed by the trial court is deemed reduced to reclusion perpetua.

In the light of the foregoing, the motion of appellants dated 16 March 1987 to reconsider Our resolution of 29 January 1987 in G.R. No. 75576 must also be Denied for lack of merit.

This should not, however, end the story of Mr. Nagao. As adverted to earlier, other parties, namely, Mr. Mitamura, a Japanese national, and the five policemen from the Southern Police District, could be deeply involved in the conspiracy to kidnap him for ransom. Our examination of the records fails to show that Mr. Mitamura and the policemen were investigated or prosecuted in connection with this case. This Court would be remiss in its duty if it were to close its eyes on this matter, more specifically on the alleged involvement of the policemen. Policemen are supposed to enforce the law, protect the people, and maintain peace and order. At the people's expense, they don the uniform of authority and are allowed to carry the instruments of legal violence. As such, they are bound to faithfully adhere to the Constitutional directive to be at all times accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency. [54] When they fail in that sacred duty and become the lawbreakers, they have no business staying a minute longer in their offices and wearing their uniforms. They deserve nothing but the severest criminal and administrative penalties the law provides. The people's taxes should never be used to maintain and support scoundrels in our law enforcement agencies who may use their uniforms and their lawfully issued weapons as convenient shields or instruments for the perpetration of their evil deeds. Accordingly, We direct the Philippine National Police to conduct a thorough investigation, if none has been done so far, into the involvement of the five policemen of the Southern Police District and, should the evidence warrant, file the appropriate criminal and administrative cases against them. As regards Mr. Mitamura, if he is still in the Philippines, efforts must be exerted by the Bureau of Immigration and Deportation, in coordination with the National Bureau of Investigation, to have him investigated and prosecuted, should the evidence warrant. No alien should be allowed to abuse Philippine hospitality and make our country a happy hunting ground for his criminal activities.

WHEREFORE, judgment is hereby rendered:

- In G.R. No. 74630, AFFIRMING, subject to the above provision of Section 19(1) of Article III of the 1987 Constitution, the decision of the trial court in Criminal Case No. 86-45055, and
- In G.R. No. 75576, DENYING, for lack of merit, the motion to reconsider the resolution of 20 January 1987.

Costs against appellants.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

[1] We ruled in *Olague, et al. vs. Military Commission No. 34, et al.*, 150 SCRA 144 (1987), that Proclamation No. 2045, dated 17 January 1981, officially lifting martial law in the Philippines and abolishing all military tribunals created pursuant to the national emergency, effectively divested all military tribunals of its supposed authority to try civilians.

[2] RTC Original records, 5.

[3] RTC Original records, 12.

[4] TSN-Gomez, 19 May 1986, 4-10.

[5] Loc. cit., 15.

[6] Id., 59-75.

[7] Rollo, G.R. No. 74630, 163-166.

[8] RTC Original records, 67-71.

[9] RTC Original records, 73-75.

[10] Rollo, G.R. No. 74630, 38.

[11] Id., G.R. No. 75576, 2-25.

[12] Id., 123.

[13] Id., G.R. No. 74630, 46, et seq.

[14] Rollo, G.R. No. 74630, 60, et seq.

[15] Id., 136.

[16] Id., 139.

[17] Rollo, G.R. No. 75576, 155-161.

[18] Citing *Paguntalan vs. Director of Prisons*, 57 Phil. 141; *Quintos vs. Director of Prisons*, 55 Phil. 304.

[19] Loc. cit., 164-166.

[20] Rollo, G.R. No. 75576, 173.

[21] Id., 181.

[22] Id., 195.

[23] Id., 161.

[24] TSN-Monares, 20 May 1986, 26.

[25] *U.S. vs. Laureaga, et al.*, 2 Phil. 71; *U.S. vs. Bernabe*, 23 Phil. 154; *U.S. vs. Santiago*, 27 Phil. 408; *Tuzon vs. Cruz*, 66 SCRA 235.

[26] TSN-Monares, 19 May 1986.

[27] Standard Mineral Products, Inc. vs. Court of Appeals, et al., 184 SCRA 571; PNB vs. IAC, et al., 143 SCRA 299; Royales, et al. vs. IAC, et al., 127 SCRA 470; Nueva Viscaya Chamber of Commerce, et al. vs. CA, et al., 97 SCRA 853; Zulueta, et al., vs. Pan American World Airways, Inc., 49 SCRA 1; Tijam, et al. vs. Sibonghanoy, et al., 23 SCRA 29.

[28] 135 SCRA 465.

[29] TSN-Monares, 22 May 1986, 130.

[30] Banco Español de Filipino vs. Palanca, 37 Phil. 921; Macabingkil vs. Yatco, et al., 21 SCRA 150; Apurillo vs. Garciano, et al., 28 SCRA 1054; Shell Company of the Philippines vs. Enage, 49 SCRA 416; and Lorenzana vs. Cayetano, 68 SCRA 485.

[31] 76 Phil. 72. See also People vs. Mui, 117 SCRA 696.

[32] Brief For Appellant Tagahiro Nakajima, 39.

[33] Brief for Appellant Tomio Maeda, 41-42; Rollo, G.R. No. 74630, 104-105. Emphasis supplied.

[34] People vs. Patola, 141 SCRA 397; People vs. Bautista, 142 SCRA 649; People vs. Adones, et al., 144 SCRA 364; People vs. Patog, 144 SCRA 429; People vs. Veloso, 148 SCRA 60; People vs. Cruz, 151 SCRA 609; Cortez, et al. vs. Court of Appeals, et al., 163 SCRA 139; People vs. De Guia, 185 SCRA 336; People vs. Alburo, 184 SCRA 655; People vs. Tan, 187 SCRA 385; People vs. Timbang, 189 SCRA 279.

[35] People vs. Perez, 175 SCRA 203.

[36] Testimony of Appellant Tomio Maeda; TSN-Monares, 22 May 1986, 77-79.

[37] Id., 109-110.

[38] Testimony of Appellant Tomio Maeda; TSN-Monares, 22 May 1986, 77-79.

[39] Id., 86.

[40] TSN-Monares, 22 May 1986, 111-113.

[41] Id., 83-84.

[42] Testimony of Tagahiro Nakajima; TSN-Monares, 22 May 1986, 4-5.

[43] Id., 6.

[44] Testimony of Complainant; TSN-Monares, 20 May 1986, 37-43.

[45] Rollo, G.R. No. 74630, 180.

[46] TSN-Monares, 22 May 1986, 64-65.

[47] Id., 61.

[48] TSN-Gomez, 21 May 1986, 77-78.

[49] TSN-Monares, 22 May 1986, 8-9.

[50] TSN-Monares, 22 May 1986, 85-86.

[51] 124 Phil. 749.

[52] Citing Corpus Juris Secundum, 458; 36 Words and Phrases, 102; Keith, et al. vs. State, 163 So. 136, 120 Fla. 847.

[53] People vs. Akiran, et al., supra., at 756-757.

[54] Section 1, Article XI, 1987 Constitution.

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