

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LYDIA RAMA, DEFENDANT-APPELLANT.

G.R. No. 89988. December 10, 1990

Ponente: GANCAYCO, J.

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GANCAYCO, J.:

On March 10, 1986, Cristina Bungalon, the 5-year old daughter of the spouses Milagros and Wilfredo Bungalon disappeared while playing near their house at the mini-park at Del Pan Tulunan Center, Tondo, Manila. Private complainant Milagros Bungalon looked everywhere for her missing daughter and reported the incident to the police authorities, but her daughter was nowhere to be found.

On April 1, 1986, Lydia Rama was arrested by the police authorities as a suspected kidnapper of several missing children. Upon being informed by the police of the arrest of Rama, private complainant and her mother-in-law proceeded to Precinct 2 wherein Rama was being detained. Private complainant showed Rama a picture of her missing daughter and Rama told her that she sold said child for P400.00 and she was in a house in the Muslim Center Compound, Quiapo, Manila.

In the afternoon of April 1, 1986, private complainant and her husband went with the police team that raided the Muslim Center Compound. The police recovered several children from the house of the Muslim buyers in said compound. Among the children recovered was the missing daughter of private complainant.

Hence, in due course, an information charging Lydia T. Rama and Emelinda D. Renteno with the crime of kidnapping was filed with the Regional Trial Court of Manila.

Upon arraignment both accused entered a plea of not guilty and the trial proceeded. However, accused Renteno was ordered confined at the National Mental Hospital so the proceedings against her were suspended until she shall have been cured of her mental illness. Hence, the trial proceeded only against accused Rama.

On July 20, 1987, a decision was rendered by the trial court convicting Rama of the crime of kidnapping and sentencing her to the penalty of reclusion perpetua and to pay the cost.[1]

The accused now interposes this appeal alleging the sole assigned error that the trial court convicted her of the crime charged based on her alleged extrajudicial confession which was made without the assistance of counsel.

The appeal is without merit.

A reading of the decision of the court a quo does not show that there was any extrajudicial confession on which the conviction was predicated.

What appears is that when private complainant Milagros Bungalon was informed by the police that the appellant was in custody as a suspect in the kidnapping of several children, Milagros showed appellant a picture of her missing daughter. Upon seeing the picture, appellant told Milagros she sold her daughter for P400.00 and she was then in a home at the Muslim Center Compound.

This admission of appellant may not be considered an extrajudicial confession. She was not under investigation by the police. Milagros was not a law enforcement agent but a helpless mother searching for a missing daughter. Apparently, appellant sympathized with her plight and volunteered the foregoing information.

Moreover, even if said conversation between Milagros and appellant may be categorized as an extrajudicial confession, it was not the sole basis of the conviction of the appellant. It was when the police with private complainant, acting on the lead given by appellant, found the missing child in the house at the Muslim Center Compound, that the trial court was persuaded in rendering the verdict of conviction.

The situation is not unlike that of a suspected thief who admits to the police that he stole certain goods and revealed that he hid the same under the house of a neighbor. While the extrajudicial confession without the assistance of counsel may not be admissible in evidence against him, the recovery of the stolen goods in the very place indicated by the suspect is clear evidence of his guilt.

Kidnapping is a serious offense. More so, if the victims are minor children, as in this case, the motivation of which is pure greed and profit, as they are sold for a song. This is the reason why under Article 267 of the Revised Penal Code, the penalty for this offense is reclusion perpetua to death. However, the penalty of death may not be imposed under the Constitution.

One last word. It is about time Congress seriously looks into the category of heinous offenses as contemplated under the Constitution, whereby the death penalty may be imposed,[2] including kidnapping, if only to contain the apparently worsening peace and order situation in the country.

WHEREFORE, the decision appealed from is **AFFIRMED** in toto with costs against accused-appellant.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Pages 13 to 14, Rollo.

[2] Section 19, Article III, 1987 Constitution.

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