

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CHRISTOPHER FERNANDEZ AND DIONY FERNANDEZ,
ACCUSED-APPELLANTS.**

G.R. Nos. 103685-86. December 27, 1993

Ponente: VITUG, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-103685-86/>

VITUG, J.:

On 16 February 1990, two informations[1] were filed with the Regional Trial Court of Malabon -

(1) Criminal Case No. 8967:

"That on or about the 23rd day of October, 1989, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused being then armed with bladed weapons, conspiring, confederating and mutually helping one another with intent to gain and by means of force, violence and intimidation on the person of DANILO HONRADA, JR. Y SUELA did, then and there, willfully, unlawfully and feloniously take, rob, and carry away the following:

1. Cash Dollars worth \$1,200.00 - P25,200.00 (equivalent in Pesos)
2. Eight (8) pcs. of necklace - P70,000.00
3. Ten (10) pcs. of assorted rings - P60,000.00
4. Seven (7) pcs. bracelet - P56,000.00
5. Two (2) pcs. of wristwatch Rica - P 4,000.00
6. Seven (7) pcs. of earrings - P 7,000.00

belonging to DANILO HONRADA SR. to his damage and prejudice in the total amount of P150,000.00[2].

CONTRARY TO LAW."

(2) Criminal Case No. 8968:

"That on or about the 23rd day of October, 1989, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating with Dick Fernandez and Roy Mendiola who are all at large and helping one another, did, then and there, willfully, unlawfully and feloniously kidnap, take and carry away and detain one DANILO HONRADA y SUELA, male of 15 years old, inflicting upon (him) physical injuries coupled with threats to kill him, depriving him of his liberty for three (3) months against his will and consent.

CONTRARY TO LAW."

The two cases were consolidated and tried jointly. The herein accused-appellants pleaded "not guilty" when arraigned on 24 March 1990.

After trial, the court rendered its decision on 13 January 1992, thus -

"WHEREFORE, this Court finds both the accused, Christopher Fernandez and Diony Fernandez, in Criminal Case No. 8967 Not Guilty of the crime of Robbery and hereby acquits them of the same. But this Court finds both accused, in Criminal Case No. 8968, Guilty beyond reasonable doubt of the crime of Serious Illegal Detention and hereby sentences each of them to suffer a prison term of Reclusion Perpetua and to pay the cost.

SO ORDERED."

The court relied on its factual findings, which could be gathered, as follows:

On 23 October 1989, at around three o'clock in the morning, after coming from a disco house at C.M. Recto, Manila, Christopher Fernandez, Diony Fernandez, Dick Fernandez and Roy Mendiola accompanied home their companion, Danilo Honrada, Jr., who by that time was already drunk. When they arrived at the latter's residence in Gov. Pascual, Sitio 6, Catmon, Malabon, Metro Manila, Dick Fernandez conducted Honrada upstairs, where Fernandez saw an overnight bag containing pieces of jewelry and money in dollar currency.

He took the bag and silenced Honrada's protest by threatening Honrada with a sharp instrument. Fernandez and Honrada returned to their companions downstairs. The group, together with Honrada who was forced to join, went to Monumento, Caloocan, Metro Manila, where the pieces of jewelry were sold. They then proceeded to a hilly area in Antipolo, Rizal. Inside a hut, they tied Honrada's hands. Although "untied" the following day, he was, however, threatened not to make any attempt to leave. Christopher Fernandez and Diony Fernandez also stood guard around the premises in order to make sure that no such attempt to escape was made.

After two months in Antipolo, Honrada met Ramon Aguilar of Talon, Antipolo, at a party given by one Del Mundo. Two weeks later, they met again, and Honrada, this time, revealed the fact of his detention and of the robbery. Ramon Aguilar helped Honrada escape. They proceeded to the house of a relative of Honrada in Quiapo, Manila, and later reported the incident to the Malabon Police Headquarters.

The defense gave a totally different version: On 23 October 1989, Nidoy Gonzales, Diony Fernandez, Jolly Fernandez and Christopher Fernandez were in the latter's house at Catmon, Malabon, where they worked as bag (bayong) makers. At around eleven o'clock in the evening, they retired for the day but apparently not for long for already at four o'clock the next morning, they hired a passenger jeepney which took them to the bus terminal at Plaza Lawton, Manila. They left for Batangas where they peddled the finished bags. They stayed in Batangas until 26 October 1989.

A familiar and often cited rule is Section 2, Rule 133, of the Revised Rules of Court, which reads:

"Sec. 2. In a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree or proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind."

Has that moral certainty in this case been proved? Even the Solicitor General pleads for acquittal. Let us see why.

(1) The alleged victim, Danilo Honrada, initially asserted that he did not know accused Christopher Fernandez.[3] On the same day he gave that testimony, he also stated, without endeavoring to explain himself, that on the day of his supposed abduction, he went to a disco party and among his companions was, in fact, the said accused.[4] Barely seven days after his above testimony, when asked if he had gone to a disco party before being abducted by the several accused, his answer was a categorical, "No." [5]

(2) Honrada testified that he could not escape by himself because he was, for more than five months, being

closely guarded by Christopher and Dick Fernandez.[6] Later, when asked how long he was detained by the accused, he replied "three months." [7]

(3) Honrada claimed that he was threatened with a .38 magnum gun[8] but, when subjected to cross-examination, he admitted that he was not sure of the caliber of the gun.[9]

(4) Honrada said that Dick Fernandez and Roy Mendiola had brought him to Antipolo, and that it was only two days later (25 October 1990) when he there saw accused Christopher Fernandez and Diony Fernandez.[10] Recounting the incident, he again changed his mind to say that when brought to the hut, he encountered Christopher and Diony Fernandez, "face-to-face." [11]

(5) Honrada averred that his hands were tied by Dick Fernandez when he was brought to Monumento before proceeding to Antipolo.[12] Later, he stated, he was tied only when they reached the hut in Antipolo.[13]

(6) Honrada at first testified that only his ring was taken from him by the accused.[14] Later, he said that both his ring and necklace were taken.[15]

As if the above inconsistencies were not enough, prosecution witness Ramon Aguilar, who allegedly rescued the former, gave statements which belied even more the veracity of the supposed detention. One of their alleged meetings took place in a party at Antipolo given by a barangay captain, a certain Del Mundo, "while the alleged victim was dancing," [16] a far cry from the deprivation of freedom that the prosecution desperately tried to portray. The witness also attested having been told at the time by Honrada that he (Honrada) was merely on "vacation in the house of Edgar Mendiola". [17]

Even the victim's own father testified that when he saw his son, the latter told him, "father it was my mistake" (referring to the "incident"). [18]

Given the foregoing, we cannot see our way clear to sustaining the conviction of the accused-appellants by the trial court below.

WHEREFORE, the decision of the trial court is reversed and set aside. Accused Christopher Fernandez and Diony Fernandez are ACQUITTED of the crime charged, and, if their detention is only on account of their earlier conviction in this case, they are ordered to be IMMEDIATELY RELEASED from confinement.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Melo, JJ., concur.

[1] Four accused are charged in the informations: Christopher Fernandez, Diony Fernandez, John Doe alias Dick and Peter Doe alias Roy. The first two accused are presently detained at the Malabon Municipal Jail, while the last two accused are at large.

[2] The total amount of P222,200.00, originally reflected in the information, was changed to P150,000.00 by the Asst. City Fiscal.

[3] TSN, 03 September 1990, p. 3.

[4] TSN, 03 September 1990, pp. 4-5.

[5] TSN, 10 September 1990, p. 5.

[6] TSN, 03 September 1990, p. 14.

- [7] TSN, 10 September 1990, p. 4.
- [8] TSN, 10 September 1990, p. 2.
- [9] TSN, 10 September 1990, p. 13.
- [10] TSN, 03 September 1990, pp. 9, 11.
- [11] TSN, 10 September 1990, pp. 14-15.
- [12] TSN, 03 September 1990, pp. 7-10.
- [13] TSN, 03 September 1990, pp. 10-11.
- [14] TSN, 03 September 1990, p. 12.
- [15] TSN, 10 September 1990, p. 3.
- [16] TSN, 21 November 1990, pp. 6, 9.
- [17] TSN, 21 November 1990, p. 11.
- [18] TSN, 17 September 1990, p. 4.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.