PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE VS. IRENEO FAJARDO, SIMPLICIO ATIENZA, DOMINGO HINGGAN, GUILLERMO PANGANIBAN, JULIAN TERCERO, EUSTACIO ONATE, RUPERTO FAJARDO, BENI...

G.R. Nos. 105954-55. September 28, 1999

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-nos-105954-55/

YNARES-SANTIAGO, J.:

For review before this Court is the decision of the Regional Trial Court of Biñan, Laguna in Criminal Case No. 4371-B[1] dated December 20, 1991 convicting herein appellants to each suffer the penalty of reclusion perpetua. Appellants were charged and convicted for the crimes of kidnapping for ransom and serious illegal detention.

The dispositive portion of the assailed decision reads:

> "WHEREFORE, the Court hereby finds the accused Ireneo Fajardo and Ruperto Fajardo, guilty beyond reasonable doubt, as co-principals of the crime of Kidnapping for Ransom, defined and penalized in Art. 267 of the Revised Penal Code, as Amended, with the attendant aggravating circumstances of use of motor vehicles without any mitigating circumstances to offset the same. In view however, of the constitutional provision which proscribes the death penalty (Sec. 19[1] 1987 Constitution) the Court hereby sentences the said accused to suffer the penalty of Reclusion Perpetua, with the accessories provided for by law plus the proportionate costs.
>
> The amount of $3,000,000.00 extorted from the victim or friends of the victim shall be restored, as it is hereby ordered returned.
>
> For insufficiency of evidence, the accused Simplicio Atienza is hereby declared acquitted. The bailbond posted by him for his provisional liberty is ordered canceled and his surety is relieved of the said undertaking.
>
> Both accused having been declared guilty of the crime charged, they are hereby ordered immediately committed to the National Penitentiary at Muntinlupa, Metro Manila.
>
> SO ORDERED.
>
> Biñan, Laguna."

Accused Ireneo Fajardo, Simplicio Atienza, Domingo Hinggan, Guillermo Panganiban, Julian Tercero, Eustacio Onate, Ruperto Fajardo, Benigno Lumbres, Bonifacio Demapilis, Tirso Maranan, Quintin Fajardo, Ben Natividad and several John Does were charged in an information for "Kidnapping for Ransom and Serious Illegal Detention."[2] Of the aforementioned accused, only Ireneo Fajardo, Simpliciano Atienza and Ruperto Fajardo were arraigned and tried.[3] All the other accused remained at large.

Accused Bonifacio Dimapilis died during the pendency of the case and the indictment against him was dismissed. Since the other accused were still at large, the trial court declared that it had no jurisdiction over them.[4] Accused

Simpliciano Atienza was acquitted by the trial court.[5]

Hence this appeal interposed by Ireneo Fajardo and Ruperto Fajardo.

The undisputed facts are:

In the early morning of November 15, 1986 several Japanese executives of Mitsui & Co. and other Japanese companies left Makati, Metro Manila to enjoy a game of golf at the Canlubang Golf Club, Canlubang, Laguna. Nobuyuki Wakaoji headed the group of executives. The group arrived at the Golf Club in a convoy of five cars. The drivers of the executives parked at the Golf Club car park while the executives played golf. The round of golf lasted for about four hours, after which the executives had lunch at the Clubhouse. It was already 3:00 p.m. when the executives left the Golf Club. The convoy of five cars was led by the car driven by Emiliano Ordona. In it was Nobuyuki Wakaoji. Meanwhile, the fourth car was driven by prosecution witness Ernesto Escobar. Escobar testified that five minutes later, the convoy was overtaken by two cars. The two cars, one of them a blue Toyota Cressida, blocked the lead car. Two men came out of one car and approached the lead car. A third man, allegedly appellant Ireneo Fajardo, remained standing near the door of the blue Cressida. The two men forcibly took Wakaoji out of the car and shoved him in the blue Cressida. The Cressida then sped away in the direction of the highway.[6]

To support its finding of “detention” the trial court relied on the testimonies of Mario Palig and Jimmy Lasam. Lasam testified that while looking for a grass cutting job in Aya, Talisay, Batangas at around 2:00 p.m. of November 25, 1986, he saw Wakaoji being escorted by three armed men (supposedly accused Maranan, Dimapilis and appellant Ruperto Fajardo) from the house of accused Lumbres to a waiting white car. He described Wakaoji as being blindfolded with his hands tied behind his back.[7]

On the other hand, Palig testified that at around 2:00 p.m., on November 25, 1986 he was at Tarangka, Talisay, Batangas when he saw appellant Ruperto Fajardo in the house of accused Lumbres. Palig testified that a helicopter boarded by Japanese nationals arrived. The Japanese nationals alighted, talked to Lumbres and took some pictures. He stated that Wakaoji was escorted by appellant Ruperto Fajardo, accused Lumbres and Maranan to a white car, which they boarded. Both witnesses testified that three other unidentified armed men boarded a passenger jeep and followed the white car.[8]

From these testimonies the trial court concluded that, “...another set of kidnappers consisting of the group of Ruperto Fajardo moved their victim from Barangay Tarangka, Talisay, Batangas to Barangay Suplang, Tanauan, Batangas, in a wise move to evade from the clutches of the law...”[9]

The appellants raise the following assignment of errors:[10]

> I.
> THE LOWER COURT GRIEVOUSLY ERRED IN FINDING THE COMMISSION OF THE CRIME CHARGED SOLELY ON THE BASIS OF TESTIMONIES OF PROCURRED, PERJURED AND REHEARSED WITNESSES AND STATEMENTS OF PERSONS WHO WERE NEVER PRESENTED AS WITNESSES FOR THE STATE.
>
> II.
> THE LOWER COURT SERIOUSLY ERRED IN CONSIDERING THE WRITTEN STATEMENTS OF PERSONS WHO WERE NEVER PRESENTED AS WITNESSES, AND DRAWING CONCLUSIONS, SURMISES AND PRESUMPTIONS EXTENTSIVELY THEREFROM.
>
> III.
> THE LOWER COURT ERRED IN FINDING THE EXISTENCE OF CONSPIRACY BETWEEN THE

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

APPELLANTS, OR WITH OTHERS, ON THE BASIS OF INADMISSIBLE EVIDENCE.

IV.
THE COURT A QUO ERRED IN FINDING AND RULING THAT THE IDENTITIES OF THE APPELLANTS WERE CLEARLY ESTABLISHED ON THE BASIS MERELY OF THE HIGHLY INCREDIBLE, PERJURED, PROCURED, MANUFACTURED AND UNRELIABLE TESTIMONIES FOR THE PROSECUTION.

V.
THE COURT BELOW ERRED IN DISCREDITING ENTIRELY THE TESTIMONIES OF THE WITNESSES FOR THE DEFENSE, PARTICULARLY THE DEFENSE OF ALIBI.

VI.
THE COURT A QUO ERRED IN DENYING THE MOTION FOR LEAVE FILED BY THE APPELLANTS FOR THE INTRODUCTION OF MATERIAL AND NEWLY DISCOVERED EVIDENCE TENDING TO SHOW THAT SOME OTHER PERSONS CONFESSED TO THE COMMISSION OF THE CRIME CHARGED IN THE INFORMATION.

VII.
FINALLY, THE COURT BELOW ERRED IN FINDING THE APPELLANTS GUILTY, BEYOND REASONABLE DOUBT OF THE CRIME CHARGED IN THE INFORMATION.

The appeal is without merit.

As its first assignment of error, appellants would have us believe that the prosecution witnesses, Ernesto Escobar, Mario Palig and Jimmy Lasam were “procured, perjured, and rehearsed.” Appellants’ bare statements without the presentation of evidence will not sway us. No proof was presented to substantiate their claim that Escobar, Palig and Lasam were motivated to falsely testify against appellants. It is a basic rule that mere allegations are not equivalent to proof.[11] Each party must prove his affirmative allegations.[12] Appellants failed to do so in this case. Accordingly, there being nothing in the record to show that witnesses were actuated by any improper motive, their testimony shall be entitled to full faith and credit.[13]

As to the second and third assignments of error, we note that even assuming that the trial court erroneously considered statements which were inadmissible in evidence, the convictions should still be sustained on the basis of other evidence which are admissible. This evidence consists of the testimonies of Escobar, Palig and Lasam.

We likewise reject appellants’ fourth assignment of error. We find that appellants were positively identified. It is true that the trial court may have erred in determining Ireneo Fajardo’s actual participation in the crime, nonetheless, Ireneo Fajardo’s presence during Wakaoji’s abduction and kidnapping was sufficiently established by prosecution witness Escobar.

While we agree with appellants that the trial court’s finding that the most “prominent among” the conspirators was Ireneo Fajardo is without basis,[14] however, the records show that Ireneo Fajardo stood by the car as two other identified men pull Wakaoji out of the first car and push him to the back seat of the Toyota Cressida car. Ireneo Fajardo drove the Toyota Cressida. Ireneo Fajardo stood as a look out.

On direct examination Escobar stated:[15]

Q: Will you please tell the Honorable Court what you saw was happening in front?

A: I saw that there were three (3) men carrying arms.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

Q: Will you please tell the Honorable Court, what were these three (3) bearing arms doing when you saw them?

A: Two men were approaching the car driven by Emiliano Ordona and one (1) man was standing just near the door of the car.

Q: Will you please tell the Honorable Court what did these two (2) armed men who approached the car of Emiliano Ordona did, if they did anything?

A: What I saw they were just holding the door of the car, sir.

Q: And, other than holding the front door of the car, what else did you see if anything?

A: A man was standing near the steering wheel of the Cressida car, sir.

x x x x x x x x x

Q:

Now, you said you saw one (1) person standing beside the door near the steering wheel of the Cressida car and there were two (2) armed men who approached the vehicle driven by Emiliano Ordona, can you tell this Honorable Court if you know these three (3) men you saw?

A:

I only recognized one (1), sir.

Q:

Will you please tell the Honorable Court who was that person you said you can identify?

A:

Yes, sir, I can point.

Q:

Will you please tell the Honorable Court who was that person?

A:

Ireneo Fajardo, sir.

x x x x x x x x x

It must be remembered that a witness who testifies categorically, spontaneously, frankly and consistently is a credible witness.[16] In this case, we find that Escobar testified in such a manner.

In disputing the positive identification of Ireneo Fajardo by Escobar, appellants insist that Escobar "admitted emphatically that he had never met Ireneo Fajardo at anytime in his life prior to the investigation on January 12, 1987."[17] We note that the fact that they did not meet is not a deterrent to affirming the trial court's finding of positive identification. There is nothing in the law and jurisprudence which requires, as a condition sine qua non, that in order for there to be a positive identification by a prosecution witness of a felon, he must first know the latter personally.[18]

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

Appellants also posit that since Escobar was twenty meters away from the Toyota Cressida car, it is unlikely that he would have been able to identify Ireneo Fajardo.[19] We are not convinced. In People vs. Castillo,[20] we held that a "distance of forty to forty-five meters away from the scene of the crime may, by itself," lead the Court to entertain doubts on the accuracy of what a witness has observed, "but once a witness has gained familiarity with another, identification becomes quite an easy task even from a considerable distance." In the case at bar, we find that Escobar was able to gain familiarity with Ireneo Fajardo while they were in the parking lot of the Canlubang Golf and Country Club, where he observed Ireneo Fajardo surveying the area for a couple of hours prior to the abduction.[21]

We also find that Palig and Lasam categorically identified Ruperto Fajardo. Both Palig and Lasam testified that Ruperto Fajardo was one of the armed men who escorted Wakaoji from the house of Benigno Lubres to the white car.[22] The conditions of visibility on that day of November 25, 1986 in Tarangka, Talisay, Batangas have not been open to serious doubt. In People vs. Fabregas,[23] we held that when conditions of visibility are favorable, and the witness does not appear to be biased, his assertion as to the identity of the malefactors should normally be accepted.

Neither can the fifth assignment of error be given serious consideration. Since appellants were positively identified, their defenses of alibi cannot prevail. We have held time and time again that alibi is the weakest defense and cannot prevail over the positive identification of the accused by a prosecution witness.[24] Positive identification, where categorical and consistent and without any showing of ill-motive on the part of the eyewitnesses testifying on the matter, prevails over alibi and denial which if not substantiated by clear and convincing evidence are negative and self-serving evidence undeserving of weight in law.[25]

The sixth assignment of error also cannot hold water. We agree with the Solicitor General that the trial court correctly denied appellants' motion to re-open the case for the introduction of "newly discovered evidence" consisting of newspaper reports which contained "confessions" of different persons as to their participation in the Wakaoji kidnapping.[26] Such are not newly discovered evidence. Given that the appellants have been positively identified, the admission of the newspaper accounts will not if introduced and admitted "change the judgment."[27] Moreover such newspaper reports are incompetent and inadmissible for being hearsay.

The seventh assignment of error is also unmeritorious. We find that the appellants' guilt has been established beyond reasonable doubt. It is axiomatic that all elements of the crime charged must be proved beyond reasonable doubt.[28] The law requires only a moral certainty or that degree of proof which produces conviction in an unprejudiced mind.[29] The crime charged in this case is kidnapping and serious illegal detention. The elements of serious illegal detention are:[30]

(1)

that the offender is a private individual;

(2)

that he kidnaps or detains another, or in any other manner deprives the latter of his liberty;

(3)

that the act of detention or kidnapping must be illegal; and

(4)

in the commission of the offense any of the following circumstances are present:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

(a)

that the kidnapping or detention lasts for more than 5 days;

(b)

that it is committed simulating public authority;

(c)

that any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made; or

(d)

that the person kidnapped is a minor, female or public officer.

In the early case of U.S. vs. Cabanag,[31] it was held that it is essential in the crime of illegal detention that there be actual confinement or restriction of the person of the offended party. This rule has not changed.

Indeed, for the charge of kidnapping to prosper, the deprivation of the victim's liberty, which is the essential element of the offense, must be duly proved.[32] In a prosecution for kidnapping, the intent of the accused to deprive the victim of the latter's liberty needs to be established by indubitable proof.[33]

In this case, we find that detention was established by the fact that one month after the abduction, the victim Wakaoji was seen by Palig and Lasam being transferred, blindfolded, with his hands tied, from Benigno Lumbres' house to a waiting white car.

While the trial court erroneously relied on the testimony of Ernesto Escobar that "the Japanese paid the kidnappers $3,000,000.00 ransom money for the release of the victim which was delivered by Luis Santillan at the designated drop point somewhere in a cemetery in Angeles City,"[34] the crime is still qualified as "serious illegal detention" since the transfer of Wakaoji was witnessed a month after the abduction, and there is testimony that Wakaoji was released only after four months. Here, there is proof that the kidnapping or detention definitely lasted for more than five days.

WHEREFORE, the assailed decision of the Regional Trial Court of Biñan, Laguna is AFFIRMED with MODIFICATION that appellants Ireneo Fajardo and Ruperto Fajardo are found guilty of kidnapping and serious illegal detention defined and penalized under Article 267 of the Revised Penal Code with the attendant aggravating circumstance of use of motor vehicles, without any mitigating circumstances to offset the same, and are sentenced to suffer the penalty of reclusion perpetua with the accessories provided for by law. The order to return the amount of $3,000,000.00 to the victim or friends of the victim is DELETED.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

---

[1] Trial of Criminal Case No. 4371-B was consolidated with the trial of Criminal Case No. 4370-B (Robbery in Band). However, Criminal Case No. 4370-B was dismissed by the lower court for lack of proof against the accused (Rollo, p. 52).

[2] Rollo, p. 5.

[3] Rollo, p. 52.

[4] Ibid.

[5] Rollo, p. 62.

[6] TSN, August 25, 1987, pp. 25-43.

[7] TSN, March 22, 1988, pp. 46-65.

[8] TSN, December 15, 1987, pp. 8-22.

[9] Rollo, p. 53.

[10] Rollo, pp. 91-92.

[11] Philippine National Bank vs. Court of Appeals, 266 SCRA 136 (1997).

[12] Jimenez vs. National Labor Relations Commission, 256 SCRA 84 (1996).

[13] People vs. Flores, 252 SCRA 31 (1996).

[14] Rollo, p. 55.

[15] Ibid.

[16] People vs. Gecomo, 254 SCRA 82 (1996).

[17] Rollo, p. 118.

[18] People vs. Bracamonte, 257 SCRA 380 (1996).

[19] Rollo, pp.120-121.

[20] 261 SCRA 493 (1996).

[21] TSN, August 25, 1987, p. 29, March 22, 1988, pp. 43-44.

[22] TSN, December 15, 1987, p. 15; TSN, March 22, 1988, p. 56.

[23] 261 SCRA 436 (1996).

[24] People vs. Manzano, 248 SCRA 239 (1995).

[25] People vs. Dinglasan, 267 SCRA 26 (1997).

[26] Rollo, p. 240.

[27] Sec. 2 (b), Rule 121, Revised Rules of Court.

[28] People vs. Macaraeg, 53 SCRA 285 (1973).

[29] People vs. Berroya, 283 SCRA 111, (1997).

[30] People vs. Paloma, 271 SCRA 352 (1997); People vs. Soberano, 281 SCRA 438 (1997); People vs. Astorga, 283 SCRA 420 (1997); People vs. Santos, 283 SCRA 443 (1997).

[31] 8 Phil. 64 (1907).

[32] People vs. Bernal, 274 SCRA 197 (1997).

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[33] People vs. De la Cruz, 277 SCRA 173 (1997).

[34] Rollo, p. 53.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.