

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EDUARDO PABILLARE Y VARONA, ALFREDO CORPUZ Y FLORES, SOTERO SANTOS Y CRUZ AND CONRADO CAÑADA Y VILLONGCO, ACCUSED.

G.R. Nos. 139474-75. December 11, 2003

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-139474-75/>

PER CURIAM:

For automatic review is the Decision[1] dated February 15, 1999 of the Regional Trial Court, Branch 95, Quezon City, in Criminal Case No. 96-65215, entitled "People of the Philippines vs. Eduardo Pabillare y Varona, Alfredo Corpuz y Flores, Sotero Santos y Cruz, and Conrado Cañada y Villongco" for kidnapping for ransom.

The Information against the accused reads as follows:

"That on or about the 10[th] day of March, 1996 in Quezon City, Philippines, the above-named accused, conspiring together, confederating with and mutually helping one another by means of force, violence and/or intimidation did, then and there willfully, unlawfully and feloniously armed with firearms kidnap one GURMAIL SINGH along NIA Road, corner East Avenue, this city, and thereafter brought him to a warehouse somewhere in Quezon City and finally to JOLLIBEE Food Plaza located along Del Monte cor. Roosevelt Avenue, SFDM, this city, for the purpose of extorting money in the amount of P20,000.00, Philippine Currency, thereby depriving and detaining him of his liberty for more than five (5) hours to the damage and prejudice of the said offended party." [2]

The appellants here are Eduardo Pabillare and Conrado Cañada who were meted the supreme penalty of death.

Upon arraignment, both appellants and the other two accused, assisted by their respective counsel, pleaded "not guilty." Thereafter, trial ensued.

The prosecution established the following facts through the testimonies of Gurmail Singh, private complainant, SPO4 Epifanio Derequito, SPO4 Eduardo Frias, SPO1 Ruben Reyes and Rajeet Singh.

Gurmail Singh is an Indian national engaged in the buy-and- sell business. On March 10, 1996 at around 3:45 in the afternoon, while riding in his motorcycle along NIA Road, Quezon City, a brown Ford Telstar car with Plate No. DED 714, driven by appellant Conrado Cañada, suddenly blocked his way causing him to fall. Appellant Eduardo Pabillare and a certain Johnny "Kulot" (who has remained at large) got off the car and told him, "You have raped a woman," referring to Johnny's niece. They then forcibly took and dragged him to the back seat of the car. Gurmail resisted but could do nothing because Pabillare had a gun tucked in his waist. Once inside the car, Johnny and Pabillare beat him and took his P1,500.00 and his driver's license.[3] Then Pabillare told him to produce P100,000.00 for his release. He answered that he could only give them P5,000.00. Disappointed with such response, they again beat him. He then agreed to pay them P25,000.00. Pabillare coerced him to write a note to his wife to give P25,000.00 for his release. Johnny took the letter and proceeded to Gurmail's house.[4]

After an hour drive, Cañada parked the car in front of an apartment. Gurmail remained at the back seat guarded by Cañada. Pabillare went out and came back with a woman who was allegedly raped by Gurmail. Meanwhile,

Johnny arrived and punched Gurmail because contrary to his assurance that no one was in his house, some Indian nationals were there. Upon Pabillare's order, Gurmail gave the telephone number of his cousin Lakhbir Singh who would deliver the P25,000.00 ransom.[5]

Gurmail stayed in the car for 1 1/2 hours. Meantime, Cañada and an unidentified man brought him to a "bodega". Pabillare and Johnny were left at the apartment. In the "bodega" were three persons. Two were later identified as accused Alfredo Corpuz and Sotero Santos. They stayed there for an hour. Thereafter, the group boarded the same car driven by Cañada and proceeded to Jollibee, at San Francisco Del Monte Avenue, Quezon City. The unidentified man got off the car while they were on their way to Jollibee.[6]

At that instance, Lakhbir Singh, Gurmail's cousin, received a call at his house informing him that his cousin Gurmail was kidnapped. The caller demanded P25,000.00 for the release of Gurmail. Immediately, Lakhbir reported the matter to Police Station No. 10 in Quezon City. SPO1 Eduardo Frias instructed him to keep in touch with the abductors and wait for final instructions from the police. Upon reaching home, Lakhbir was informed by his brother Harbir that according to the caller, the pay-off (in the sum of P20,000.00) will be at the Jollibee, corner of Roosevelt and Del Monte Avenue, Quezon City. Lakhbir returned to the police station and narrated what his brother Harbir told him. Police Inspector Edgardo Jovellano organized a team, composed of himself, SPO1 Frias, SPO1 Rebancos, SPO1 Lozada, and SPO1 Ruben Reyes in order to entrap the abductors.[7] Harbir was assigned to deliver the ransom money.[8]

The team, wearing civilian clothes, went to Jollibee and spread out in different areas. SPO1 Frias and SPO1 Lozada entered the restaurant and the rest of the team members waited outside. Thirty minutes thereafter, Harbir arrived with Rajeet Singh, also a cousin of Gurmail. While seated inside the restaurant, Pabillare approached them, introduced himself as a policeman and asked for the ransom money. Harbir told him that he wanted to see Gurmail first before handing the money. So Pabillare led them to Gurmail who was in the car parked in front of the restaurant. Cañada opened the front window and they saw Gurmail. Rajeet then gave Pabillare P20,000.00 placed in an envelope. The latter opened the envelope then winked at Corpuz and made a thumb-up sign. Forthwith Corpuz and Santos approached Pabillare. At this juncture, the policemen apprehended appellants Pabillare and Cañada and accused Corpuz and Santos. SPO1 Ruben Reyes recovered from Pabillare the ransom money and a .38 caliber revolver[9] with six live ammunitions.[10]

After the prosecution formally rested its case, accused Sotero Santos filed a demurrer to evidence[11] which was granted by the trial court in its Order[12] dated June 6, 1997.

Appellant Cañada's testimony is as follows: On March 10, 1996, Napoleon de Guzman, a mechanic, introduced to Silveriano Cañada, appellant's father, a certain Johnny who wanted to rent a vehicle. Silveriano was then engaged in a rent-a-car business. Johnny rented a Ford Telstar car for P1,000.00 which he would use in going to Fairview, Quezon City in order to check a car for sale. Silveriano instructed Cañada to drive for Johnny. Cañada acceded to his father's instruction and told Johnny to come back after lunch. At around 2:30 p.m., Johnny, together with appellant Pabillare, arrived. They then drove to Fairview. But because the owner of the car, which Johnny was supposed to buy was not yet around, they went to the house of Pabillare's mother-in-law at NIA Road, Quezon City. Both Pabillare and Johnny alighted. After 20 minutes, they boarded the car and returned to Fairview. On their way, they saw Gurmail Singh on board a motorcycle. Pabillare and Johnny ordered Cañada to chase Gurmail. When Gurmail stopped, Johnny and Pabillare brought him inside the car and they proceeded to San Francisco Del Monte. They stopped in front of an apartment. Pabillare and Johnny entered the apartment, while Gurmail and Cañada remained in the car. Thereupon, Johnny returned to the car with a woman. Cañada took a snack. When the woman left, Johnny and Pabillare went inside the car. Cañada did not see what went on inside because the glass windows of the car were heavily tinted. Afterwards, both Johnny and Pabillare left. Later, a boy

arrived and relayed to Cañada Johnny's instruction to proceed to a big compound within the area. After Cañada parked the car, the boy disappeared. Cañada and Gurmail stayed in the place for about an hour. Then the boy came back and told Cañada to go to Jollibee. On their way, the boy alighted near the market. When they reached Jollibee, Johnny was already there. He ordered Cañada to park in front of the restaurant. But when Cañada opened the door of the car, a policeman suddenly poked a gun at him, dragged him outside and told him to lie on the pavement. Then he was brought to Police Precinct No. 10 and was pinpointed as one of the kidnappers of Gurmail. Criminal cases for robbery, illegal possession of firearms and kidnapping were filed against him. All the cases were dismissed, except kidnapping.[13]

Appellant Pabillare testified that on March 10, 1996, he accompanied Johnny to San Pedro Subdivision in Novaliches, Quezon City to look for a car for sale. Cañada drove for them. When they reached the subdivision, the owner of the car was not there so they went to the house of his mother-in-law along NIA Road, Quezon City to see his wife and children. But they were not around. So he asked Cañada to bring him home. While on their way to Frisco, Johnny told Cañada to chase Gurmail. When Gurmail stopped, Johnny forcibly took him inside the car. Pabillare alighted and went home. At past 6:00 p.m., he went to Jollibee to buy snacks for his children. He saw Johnny there by chance. At around 7:00 p.m., several policemen arrived and arrested them. Immediately they were brought to a small room at the precinct and while there, many Indian nationals came charging them with kidnapping.[14]

After hearing, the trial court rendered its Decision, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered in the following:

(1) In Criminal Case No. Q-96-65215, the Court finds the accused Eduardo Pabillare y Varona and Conrado Cañada y Villongco GUILTY beyond reasonable doubt as principals of the crime of kidnapping or serious illegal detention for the purpose of extorting ransom defined in and penalized by Article 267 of the Revised Penal Code, as amended, and are hereby sentenced to suffer the penalty of DEATH.

As to the other accused, Alfredo Corpuz y Flores, the Court finds the said accused GUILTY beyond reasonable doubt as an accomplice of the crime of kidnapping or serious illegal detention for the purpose of extorting ransom defined in and penalized by Article 26 of the Revised Penal Code, as amended, and is hereby sentenced to suffer the penalty of reclusion perpetua. The period within which the accused Alfredo Corpuz was detained at the City Jail of Quezon City shall be credited to him in full provided that he agrees in writing to abide by and follow strictly the rules and regulations of the said institution.

(2) In Criminal Case No. Q-96-65216, the Court finds the accused Eduardo Pabillare y Varona GUILTY beyond reasonable doubt of Violation of P.D. No. 1866, as amended by R.A. No. 8294, and is hereby sentenced to suffer the indeterminate penalty of from two (2) years and four (4) months of prision correccional minimum as the minimum penalty to four (4) years and two (2) months of prision correccional medium as the maximum penalty and to pay a FINE of fifteen thousand pesos (P15,000.00).

All the three (3) accused shall pay the costs.

IT IS SO ORDERED."

The capital punishment having been imposed upon appellants Cañada and Pabillare, the assailed Decision is now with this Court for automatic review.

In his brief, Cañada raises the following assignments of error:

"1. THE TRIAL COURT ERRED IN FINDING CONSPIRACY BETWEEN APPELLANT AND HIS CO-ACCUSED IN THE COMMISSION OF THE OFFENSE; AND

"2. THE TRIAL COURT ERRED IN NOT ACQUITTING APPELLANT OF THE OFFENSE CHARGED ON THE GROUND OF REASONABLE DOUBT"[15]

For his part, Pabillare ascribes to the trial court the following errors:

"I

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT EDUARDO PABILLARE GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES OF KIDNAPPING FOR RANSOM AND ILLEGAL POSSESSION OF FIREARM

"II

THE TRIAL COURT GRAVELY ERRED IN CONSIDERING THE INCREDIBLE AND INCONSISTENT TESTIMONIES OF THE PROSECUTION WITNESSES

"III

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT FOR ILLEGAL POSSESSION OF A .38 PALTIK HAVING RENDERED THE SAME WITHOUT JURISDICTION"[16]

Appellant Cañada contends that he did not conspire with the other accused who were strangers to him. He merely drove the car Johnny rented from his father. If he were a conspirator, he would not have driven his father's Ford Telstar and expose himself unnecessarily considering that its plate number was prominently visible. Moreover, there is no evidence that he assisted appellant Pabillare and Johnny in dragging the victim inside the car. He denies that he was guarding the victim. In fact, the victim was not restrained of his movement. He could have gone out of the car by simply unlocking the doors. Neither was there a threat to his life since appellant Pabillare, who was in possession of a gun, stayed away for sometime. Likewise, there is no proof that he had any motive to commit or consent to the commission of the crime. At most, he was a victim of circumstances.

Appellant maintains that the ponente is not the trial judge. Consequently, having no opportunity to observe the demeanor of the victim on the witness stand, he should not have believed the latter's testimony.

For his part, appellant Pabillare contends that the prosecution witnesses have inconsistent versions with regard to the amount and manner of payment of the ransom money. While the Indian witness testified that he and Gurmail's cousin handed the money to Pabillare, the police officer who headed the entrapment, declared on the witness stand that only one person delivered the money. Also, Gurmail testified that the ransom money was P25,000.00, however, his cousin stated that it was P20,000.00. The prosecution witnesses also were inconsistent regarding the color of the envelope containing the money.

The above contentions and arguments boil down to the issue of credibility of the witnesses for the prosecution and for the defense.

It is a legal truism of long standing that we accord great respect to the factual conclusions drawn by the trial court, particularly on the matter of credibility of witnesses, unless some material facts have been overlooked or misconstrued as to affect the result. In this case, we find no such material fact from the record that would impair the correctness of the conclusions of the trial.

The trial court gave credence to the testimony of the victim who testified as follows:

"Q

Mr. Singh, please tell us how were you abducted by these three persons along NIA Road in the afternoon of

March 10, 1996?

A

While I was driving my motor, a car suddenly blocked my way which caused me to fall down, sir.

Q

Incidentally can you describe to the Honorable Court the car that blocked your way while you were driving your motor?

A

It was a brown car with heavy tinted glasses with Plate Number DED 714 Telstar.

Q

After you fell down from your bike, what happened next, if any?

A

Two persons alighted from the car, sir.

Q

Who among the accused alighted from the car, if you can still recall?

A

That one, sir. (Witness pointing to accused Eduardo Pabillare)

Q

You said there were three of them. Who was the other one?

A

He was not yet apprehended.

Q

Would you know the name of this other person whom you said had not yet been apprehended?

A

Johnny Kulot, sir.

Q

What about accused Conrado Cañada whom you pointed earlier, what was he doing at that time?

A

He was the driver, sir.

x x x

Q

After these two men alighted from the car being then driven by Conrado Cañada, what happened next, if any?

A

They told me that, 'You have raped a woman so you have to come with us.' And one of them had a gun tucked in his waist.

Q

Who among them has a gun tucked in his waist?

A

Eduardo Pabillare, sir.

Q

After they told you that you have to go with them because you raped a woman, what was your response, if any?

A

Initially, I was resisting but they overpowered me and I noticed the gun so I was forced to obey them, sir.

x x x

Q

After they boarded you at the back seat of the vehicle, what happened next, if any?

A

They beat me and took my money and driver's license.

x x x

Q

You stated earlier that you were beaten up by your abductors while you were at the back seat of the vehicle. If you know, was the driver of the vehicle, in the person of accused Cañada, aware of what was going on while you were being beaten up by your abductors?

A

Yes, sir.[17]

x x x

Q

Tell us, while you were parked in front of this apartment-type house, where were you actually kept by your abductors?

A

At the back seat of the car.

Q

Was there any time where you were allowed to leave the said vehicle?

A

No, sir.

Q

If you know, what was accused Pabillare doing while you were in front of this apartment-type house?

A

Sometimes, he would come near me, sir, and sometimes he would go back to the apartment.

Q

What was Cañada doing during that stopover?

A

This Cañada was the one who was guarding me and at one point, an unidentified man came and brought something which looked like shabu. They sniffed it, sir.

Q

What made you conclude that this Cañada and his companion were sniffing shabu at that time?

A

The substance looked like crystal and when they burned it, it smelled and they used plastic tooter.

Q

Would you tell how far were Cañada and the unidentified man from you at the time when they were sniffing that substance which looked like shabu?

A

They were in front of the car and I was at the back seat."[18]

It is thus clear that appellant Pabillare and one Johnny forcibly dragged the victim inside the car. They beat him and restrained his liberty. He could not escape because Pabillare had a gun, while appellant Cañada was guarding him.

The trial court was correct in convicting both appellants on the basis of the evidence for the prosecution.

By the same token, the trial court did not err in disregarding the denial of both appellants.

It has been repeatedly held in a number of cases that denial, like alibi, is inherently a weak defense, for it is easy to concoct and difficult to disprove. It cannot stand vis-a-vis the unequivocal assertion to the contrary of the complainant. It can safely be stated that the defense of denial assumes significance only when the prosecution's evidence is such that it does not prove guilt beyond reasonable doubt.[19]

Appellant Pabillare claims that the prosecution witnesses gave conflicting versions with respect to the amount of the ransom money; the color of the envelope containing it; and the person who handed the same envelope to said appellant. Suffice it to state that these are minor, trivial and inconsequential matters which do not alter the fact that appellants committed the crime charged.

While appellant Cañada presented witnesses to corroborate his testimony that upon his father's instruction, he merely drove for Johnny and appellant Pabillare, such fact does not prove that he is innocent. It is highly unthinkable that members of a kidnapping syndicate would entrust the performance of a crucial and sensitive phase of their criminal scheme to a person not trusted by them and who has no knowledge of the details of their evil plan.

To hold an accused guilty as co-principal by reason of conspiracy, he must be shown to have performed an overt act in pursuance or furtherance of the complicity.[20] There must be intentional participation in the transaction with a view to the furtherance of the common design and purpose.[21] Responsibility of a conspirator is not confined to the accomplishment of a particular purpose of conspiracy but extends to collateral acts and offenses incident to and growing out of the purpose intended.[22] The following acts of appellants Cañada and Pabillare lead us to conclude that they conspired to commit the crime: (a) Cañada who was driving the car suddenly chased and overtook the motorcycle driven by the victim causing him to fall; (b) at such unsuspecting state, Pabillare and Johnny forcibly took and dragged him inside the car; (c) Pabillare and Johnny beat the victim and compelled him to produce money for his release; (d) Cañada never showed any opposition to such acts, instead he obeyed every instruction of Pabillare and Johnny; (e) while Johnny was negotiating for the ransom money, Cañada was left with the victim, closely guarding him; (f) Cañada brought the victim to the place where the pay-off would take place; and (g) Pabillare took the ransom money.

Now, since appellants indeed conspired in kidnapping the victim for the purpose of extorting ransom, they are both liable under Art. 267 of the Revised Penal Code, as amended by R.A. 7659,[23] which provides:

"Art. 267. Kidnapping and serious illegal detention. – Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of reclusion perpetua to death:

- If the kidnapping or detention shall have lasted more than three days,
- If it shall have been committed simulating public authority.
- If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.
- If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer.

The penalty shall be death penalty where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if one of the circumstances above- mentioned were present in the commission of the offense.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed."

The imposition of the death penalty upon both appellants is in order.[24] The prosecution has proved beyond reasonable doubt their motive, which is ransom for the victim. Ransom is money, price or consideration paid or demanded for the redemption of a captured person or persons; a payment that releases from captivity.[25] Since appellants demanded and received money as a requisite for releasing complainant from captivity, whatever other motive may have impelled them to do so, the money is still ransom under the law.[26] The purpose of the offender in extorting ransom is a qualifying circumstance which may be proved by their words and overt acts before, during, and after the kidnapping and detention of the victim.[27] Neither actual demand for nor actual payment of ransom is necessary for the crime to be committed.[28] The fact that appellants sought to extort ransom is clear from the following testimonies:

- Testimony of Gurmail Singh:

"Q

What happened while you were being held captive by your abductors?

A

They asked for P100,000.00 for my release, sir.

Q

What was your response to that?

A

I told them that I don't have that much and that I could only give them P5,000.00, sir.

Q

Who asked you to give P100,000.00?

A

Pabillare, sir.

x x x

Q

After you told Pabillare that you cannot afford the P100,000.00, and that you could only afford P5,000.00, what happened next, if any?

A

They beat me up again and then I agreed to pay them P25,000.00, sir.

Q

When you said that you agreed to pay them, who are you referring to?

A

Pabillare, Johnny Kulot and the driver, sir.

Q

When you say the driver, who are you referring to in particular?

A

I don't know his name but I know him by face, sir.

Q

Could you please point him out again, this driver that you are referring to?

x x x

A

That man, sir. (Witness pointing to accused Conrado Cañada)[29]

x x x

Q

What was the reason why you gave your abductors the telephone number of your cousin Harbir?

A

So that he will give them P25,000.00 and these people will stop beating me, sir.

Q

If you know, did your kidnappers actually get in touch with your cousin Harbir after you gave them his telephone number?

A

Yes, sir.

Q

How did you know this?

A

Johnny Kulot came back after about 10 to 15 minutes and he told me that they were able to talk to Harbir and that Harbir is willing to pay them the P25,000.00, sir."^[30]

- Testimony of Rajeet Singh:

"Q

And what did you do at Police Station 10 in the afternoon of March 10, 1996?

A

We told the police officer what happened. We told them that our relative Gurmail Singh was abducted and then they made a report and after that, they told us to go home, sir.

Q

And did you actually go home as instructed by the police authorities?

A

Yes, sir. We went home, sir and then Harbir Singh told us that a while ago, the kidnappers called him over the phone demanding for ransom money, sir.

x x x

Q

Tell us who was supposed to deliver the ransom money to the kidnappers?

A

Me and Harbir Singh were told to bring the money, sir.

Q

After this meeting presided over by the police authorities and which meeting was attended by you and your other relatives, what did you do next, if any?

A

We left in different groups, sir. Some of us were on motorbikes, others on a jeep and went to Jollibee, sir.

x x x

Q

After arriving at said Jollibee Restaurant in San Francisco Del Monte, what happened next, if any?

A

While at Jollibee Restaurant, me and Harbir Singh sat on a table and waited for someone to contact us and after some time, a person approached us and said 'hello and shook our hands and said 'I'm a policeman' and he showed us his ID, sir.

x x x

Q

You said after going inside the particular restaurant, you were approached by a person who introduced himself as a policeman. My question is, who is this person who approached you and introduced himself to you as policeman?

A

Pabillare, sir.

Q

And after Pabillare approached and introduced himself to you as policeman, what did you do next, if any?

A

He asked for the money they were demanding from my cousin and we said okay we will give you the money but first of all we wanted to see first Gurmail Singh if you might have killed him, something like that.

x x x

Q

Now, after you followed Pabillare to the car parked outside the restaurant will you please tell us what happened next, if any?

A

We went near the car and then Pabillare gave some sign and then somebody opened the front window at the driver's seat and when I peeped in, I saw Gurmail inside the car, sir.

x x x

Q

Now, you said that there were two people inside that vehicle namely the private complainant Gurmail and the driver of the said vehicle. Tell us, were you able to recognize who was driving the vehicle at that time?

A

Yes, sir. I can.

x x x

Q

If you would see the driver of that vehicle inside the courtroom today, could you kindly point to him?

A

That man, sir (Witness pointed to a man inside the courtroom who when asked answered by the name of Conrado Cañada)

Q

Now, after you were actually able to determine for yourself, Mr. Witness that Gurmail Singh was inside that vehicle, what did you do next, if any?

A

At that time I handed over to Pabillare the money which was placed in an envelope, sir."[31]

Incidentally, while it may be true that the instant case was merely re-raffled[32] to Judge Diosdado M. Peralta, the ponente, on July 9, 1998, hence, he had no opportunity to personally hear the testimony of Gurmail on June 4, 1996 and observed his demeanor, such fact would not alter the outcome of the present case. The accuracy of a decision is not necessarily tarnished by the fact that the ponente only took over from a colleague who had previously presided over the trial. For it does not follow that a judge who was not present during the trial cannot render a valid and just decision. In the present case, it appears that Judge Peralta relied upon the transcribed stenographic notes taken during the trial as the basis of his decision. The full record was available to him. As the

decision shows, he thoroughly examined and analyzed the evidence and carefully weighed the credibility of the witnesses with the seasoned perspective of a trial judge.

Going back to the penalty imposable, an aggravating circumstance, whether ordinary or qualifying, entitles the offended party to exemplary damages within the meaning of Article 2230 of the Civil Code.[33] There being a demand for ransom in this case, an aggravating circumstance, an award of P25,000.00 as damages to the victim is in order.[34]

WHEREFORE, the decision of the Regional Trial Court of Quezon City, Branch 95 in Criminal Case No. Q-96-65215 sentencing appellants Conrado Cañada and Eduardo Pabillare to DEATH for kidnapping for ransom is AFFIRMED with the MODIFICATION in the sense that they shall pay in solidum the amount of twenty five thousand pesos (P25,000.00) as exemplary damages to the victim, Gurmail Singh.

Three (3) Justices of the Court maintain their position that R.A. 7659 is unconstitutional insofar as it prescribes the death penalty; nevertheless, they submit to the ruling of the majority that the law is constitutional and the death penalty can be lawfully imposed in the case at bar.

Let the records of this case, upon finality of this Decision, be forwarded to the Office of the President for the possible exercise of her pardoning power pursuant to Article 83 of the Revised Penal Code, as amended by Section 25 of RA 7659.

Cost de oficio.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

[1] Penned by Judge Diosdado Madarang Peralta, now Associate Justice of the Sandiganbayan.

[2] Record at 47.

[3] TSN, June 4, 1996 at 38-56.

[4] Id. 57-65.

[5] Id. at 66-76.

[6] Id. at 77-89.

[7] TSN, July 9, 1996 at 4-18.

[8] TSN, November 13, 1996 at 18-22.

[9] Exhibit "G".

[10] Exhibits "G-1" to "G-6".

[11] Record at 139.

[12] Id. at 184.

[13] TSN, April 7, 1997 at 10-78; TSN, May 28, 1997 at 12; TSN, July 29, 1997 at 19-49; TSN, September 23, 1998 at 7-19; TSN, September 30, 1998 at 7-49.

[14] TSN, October 21, 1998 at 4-41.

[15] Rollo at 83.

[16] Id. at 185-186.

[17] TSN, June 4, 1996 at 43-57.

[18] Id. at 68-71.

[19] *People vs. Colisao*, G.R. No. 134526, December 11, 2001, 372 SCRA 20.

[20] *People vs. Elijorde*, G.R. No. 126531, April 21, 1999, 306 SCRA 188.

[21] *People vs. Del Rosario*, G.R. No. 127755, April 14, 1999, 305 SCRA 740.

[22] *People vs. Bisda*, G.R. No. 140895, July 17, 2003.

[23] Which took effect on December 13, 1993.

[24] To warrant the imposition of the death penalty for the crime of kidnapping and serious illegal detention for ransom, the prosecution must prove beyond reasonable doubt: (a) the intent on the part of the accused to deprive the victim of his liberty; (b) actual deprivation of the victim of his liberty; and (c) motive of the accused, which is ransom for the victim or other person for the release of the victim.

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

[26] *People vs. Akiran*, G.R. No. L-18760, September 29, 1966, 18 SCRA 239.

[27] *People vs. Pagalasan*, *supra*.

[28] *People vs. Bisda*, *supra*; *People vs. Salimbago*, *supra*.

[29] TSN, June 4, 1996 at 58-62.

[30] Id. at 75-76.

[31] TSN, November 13, 1996 at 23-46.

[32] The case was originally raffled to the Regional Trial Court, Branch 88, then presided by Judge Tirso D'C Velaso. It was re-raffled, upon motion of appellant Cañada, and was granted by the trial court in an order October 6, 1997, to Pairing Judge Fatima G. Asdala. (Record at 208, 211 and 212)

[33] *People vs. Catubig*, G.R. No. 137842, August 31, 2001; *People vs. Hamton*, *supra*.

[34] *People vs. Deang*, G.R. No. 128045, August 24, 2000, 338 SCRA 657.

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.