



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 200053

Present:

- versus -

SERENO, C.J.,
Chairperson,
 LEONARDO-DE CASTRO,
 BERSAMIN,
 VILLARAMA, JR., and
 REYES, JJ.

ALFREDO JOSE y LAGUA alias
“JOJO”, JOEY JOSE y
MATUSALEM, ARNOLD
MACAMUS alias “KYAM” or
“DIKIAM”, FORTUNATO
MANGAHAS alias NATO y
SANDIQUE, JOEL BULAITAN y
MACAMUS and JOHN DOES,
 Accused,

Promulgated:

JOEL BULAITAN y MACAMUS,
 Accused-Appellant.

OCT 23 2013

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RESOLUTION

REYES, J.:

Joel Bulaitan y Macamus (Bulaitan)¹ files an appeal² before this Court to assail the Decision³ rendered on April 29, 2011 by the Court of Appeals (CA) in CA-G.R. CR-HC No. 03812, the *fallo* of which reads:

¹ In some parts of the records of the case, the appellant’s surname is spelled as “Balaitan”.

² Please *see* Notice of Appeal; Court of Appeals *rollo*, pp. 156-157.

³ Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Celia C. Librea-Leagogo and Danton Q. Bueser, concurring; *rollo*, pp. 2-22.

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WHEREFORE, in view of the foregoing, the assailed Amended Judgment dated February 4, 2009 in Criminal Case No. 9010 of the Regional Trial Court, Branch 03, Carig, Tuguegarao City, Cagayan is hereby **AFFIRMED with MODIFICATION** in that accused-appellant Balauitan and Mangahas are not eligible for parole under the Indeterminate Sentence Law. Furthermore, the award of exemplary damages is hereby increased from [P]25,000.00 to [P]100,000.00.

SO ORDERED.⁴

The dispositive portion of the Amended Judgment⁵ rendered on February 4, 2009 by the Regional Trial Court (RTC) of Carig, Tuguegarao City, Branch 3, on the other hand, states:

WHEREFORE, premises considered, the Court FINDS both accused FORTUNATO MANGAHAS alias NATO y Sandique and JOEL BULAITAN y Macamus guilty beyond reasonable doubt of the crime of KIDNAPPING for RANSOM and hereby sentences them to suffer imprisonment of *reclusion perpetua* and to pay jointly and severally Editha Tuddao [P]40,000.00 by way of moral damages and [P]25,000.00 by way of exemplary damages.

SO ORDERED.⁶

Antecedent Facts

Bulauitan, alongside four other suspects and several unnamed John Does, were charged with kidnapping for ransom in an Information, dated October 10, 2002, *viz*:

That on or about August 12, 2001, in the City of Tuguegarao, [P]rovince of Cagayan and within the jurisdiction of this Honorable Court, the said accused, ALFRED JOSE Y LAGUA ALIAS JOJO, JOEY JOSE, ARNOLD MACAMUS ALIAS KYAM OR DIKIAM, FORTUNATO MANGAHAS ALIAS NATO, JOEL BULAITAN AND JOHN DOES who were not identified, all private person (sic) armed with guns conspiring together and helping one another, without any legal ground or any authority of law and by means of force, violence, threat and intimidation and for the purpose of extorting ransom money from the family of the herein complainant, did then and there willfully, unlawfully and feloniously take, kidnap and carry away [sic] against her will one EDITHA T. CHUA from her residence at No. 29 Gonzaga St., Ugac Norte, Tuguegarao City, Cagayan and loaded her in a Nissan Sentra Super Saloon colored green thereafter transferred her to another vehicle and

⁴ Id. at 21.

⁵ CA *rollo*, pp. 25-36.

⁶ Id. at 36.

brought her to the province of Isabela, and upon reaching Barangay Dona Concha, Roxas, Isabela, the vehicle on which they loaded the victim, EDITHA T. CHUA, rammed into a pile of gravel and sand along the road; prompting accused to abandon the vehicle and the victim, thereby completely detaining and depriving said complainant of her liberty from the time she was kidnap (sic) at around 8:00 o'clock in the evening of August 12, 2001 up to the time she was rescued.

That in the commission of the offense[,] the following aggravating circumstances were present, to wit:

1. Demand for ransom[;]
2. Use of motor vehicle;
3. Night time and the offense was committed by a band; [and]
4. That the crime was committed with the aid of armed men[.]

Contrary to law.⁷

Only Bulautitan and Fortunato Mangahas (Mangahas) were arraigned while alias warrants of arrest were issued against the rest of their co-accused.

The Case for the Prosecution

In the course of the trial, the prosecution offered the testimonies of (a) kidnap victim Editha Chua⁸ (Editha), (b) her son-in-law Eric Chua (Eric), and (c) SPO2 Jim Roger Julian (SPO2 Julian) of the Tuguegarao City Police.

Following is the gist of Editha's testimony:⁹

She owns Editha's Supermart in Gonzaga Street, Ugac Norte, Tuguegarao City.

On August 12, 2001, at around 8:00 p.m., she, together with her husband Vicente Chua (Vicente), daughter Elizabeth Chua (Elizabeth) and Eric went home from their store. They rode a Nissan Pick-up driven by Vicente. Editha sat in the front passenger seat. Eric was behind Editha, while Elizabeth was at the left rear passenger seat.

⁷ *Rollo*, pp. 3-4.

⁸ Sometimes appears in the records as "Editha Tuddao".

⁹ *Rollo*, pp. 5-9; *CA rollo*, pp. 27-30.

When they arrived home, their maid opened the gate. While the Nissan Pick-up was still in the driveway, a car entered. Two bare-faced armed men alighted therefrom. They were later identified in court by Editha and Eric as Bulaitan and Mangahas.

Mangahas opened the driver's door of the Nissan pick-up and hit Vicente with a long firearm. Bulaitan, on the other hand, approached Eric. Editha and Elizabeth begged Bulaitan and Mangahas not to harm Vicente, who has a heart ailment. However, their pleas were unheeded as Mangahas kept on hitting Vicente until the latter fainted. Mangahas thereafter walked to the other side of the Nissan pick-up, from where he pulled out Editha, who fell to the ground. Mangahas then dragged Editha to a car. Seated in front were a driver and another man whose faces she did not see. While inside the car, Editha was blindfolded and masking tape was used to cover her mouth and bind her hands.

After a while, the car stopped and she sensed that she was being transferred to another vehicle, which she later identified as a Mitsubishi Adventure with Plate No. WSX 299. The kidnappers wanted to talk to Vicente to demand money from him, but Editha did not reveal the telephone number in the residence of the Chuas. Editha also heard the kidnappers inform somebody through a cellphone that she was already in their custody.

The vehicle traversed the zigzag terrain in Sta. Maria. Editha was familiar with it as she frequently passed by the same on her way to Manila. They passed by two check points without stopping and she heard gun reports. The kidnappers then conversed among themselves about their vacillation in carrying out their plan. The vehicle then proceeded to a remote area in Roxas, Isabela. Editha felt a needle being injected in her right arm. The kidnappers alighted from the vehicle to remove its plate number, but they heard sirens. They thought that the sirens were from a patrol car chasing them, so they left Editha in the vehicle. The sounds, however, in fact, came from an ambulance.

Sensing that her abductors were no longer there, Editha removed the blindfold and the masking tape in her eyes and hands, opened the vehicle's door and sought help. Policemen from Isabela arrived and brought her to Dumlao Hospital. She was then escorted back to Tuguegarao City. She arrived at around 3:00 a.m. in St. Paul's Hospital where she noticed her husband's stomach looking bloated.

She saw Mangahas in the police station and she identified him as one of the kidnappers. Mangahas apologized to her.

Eric corroborated the statements of Editha.¹⁰ He added that Bulaitan poked his stomach with a short firearm. Eric tried to help Editha when Mangahas was dragging her out of the Nissan Pick-up. Bulaitan then pointed his gun at Eric's cheek. After Editha was taken by the armed men, Eric called Elizabeth's cousin, Jimmy dela Cruz, who later arrived with policemen.

SPO2 Julian stated¹¹ that he was on duty at around 8:00 p.m. of August 12, 2001 when the station received a report regarding the kidnapping of Editha. He went to the residence of the Chuas along with two other officers. They verified the report and received information that Editha was seen in Roxas, Isabela. They proceeded thereto and found Editha in Dumlao Hospital. They likewise investigated the Mitsubishi Adventure where Editha was boarded by the kidnappers and found that it was owned by the accused Alfred Jose.

The Case for the Defense

The defense, on the other hand, presented as witnesses (a) Bulaitan and his wife, Maria, and (b) Mangahas and his son, Benjamin.

Bulaitan and Mangahas claimed that they were not acquainted with each other prior to their meeting in the premises of the Bureau of Jail Management and Penology in October 2001. They both interposed the defenses of denial and *alibi*.

Bulaitan denied knowing Editha. He alleged that from dusk to dawn of August 12, 2001, he plowed a ricefield in Sampaguita, Solana, Cagayan. He went home between 5:00 p.m. and 6:00 p.m. His house, where he resides with his wife, Maria and three children, is about three kilometers from the national highway. Solana is around one-hour jeepney ride away from Tuguegarao City.¹²

Maria corroborated her husband's testimony.¹³ She testified that Bulaitan worked in the farm on August 12, 2001. He ate and took a nap at home during lunch time, then returned to the fields. He went home at around 5:30 p.m. They slept after 8:00 p.m. She woke her husband up at around midnight to accompany her urinate. The next day, Bulaitan woke up at past 5:00 a.m., ate breakfast, and prepared to go to work.

¹⁰ Id. at 10-11; CA *rollo*, p. 30.

¹¹ Id. at 11-12; CA *rollo*, pp. 30-31.

¹² Id. at 12-13; CA *rollo*, pp. 31-32.

¹³ Id. at 13-14; CA *rollo*, p. 32.

Mangahas denied his involvement in Editha's kidnapping.¹⁴ He testified that on August 12 to 13, 2001, he worked in his *tilapia* fishpond in General Balao, Solana, Cagayan. He also cut firewood and helped in the household chores. His son, Benjamin, corroborated Mangahas' statements.¹⁵

The Ruling of the RTC

On February 2, 2009, the RTC rendered a judgment¹⁶ unfavorably considering Bulaitan and Mangahas' defenses of *alibi* and denial. The two were convicted as co-conspirators in the commission of the crime charged. The penalty of *reclusion perpetua* was imposed upon them, and they were *each* ordered to pay Editha ₱40,000.00 as moral damages and ₱25,000.00 as exemplary damages. The RTC ruled that the prosecution had proven beyond reasonable doubt the concurrence of all the elements¹⁷ of kidnapping and illegal detention under Article 267 of the Revised Penal Code. With the use of motor vehicles, Editha was forcibly taken at gunpoint and deprived of her liberty for the purpose of extorting ransom. Further, Editha and Eric categorically and unequivocally identified Bulaitan and Mangahas as among the perpetrators of the crime. No ill motives were ascribed to the prosecution witnesses in having rendered their testimonies.

On February 4, 2009, the RTC amended its judgment but only insofar as declaring as *joint and several* the liabilities of Bulaitan and Mangahas for the payment of moral and exemplary damages in favor of Editha.¹⁸

Bulaitan filed a Notice of Appeal¹⁹ to assail the judgment of the RTC. He claimed that the prosecution witnesses failed to specifically point out his participation in the kidnapping.²⁰

¹⁴ Id. at 14-15; CA *rollo*, pp. 32-33.

¹⁵ Id. at 15.

¹⁶ CA *rollo*, pp. 13-23.

¹⁷ (1) the offender is a private individual; (2) he kidnaps or detains another, or in any manner deprives the latter of his liberty; (3) the act of detention or kidnapping must be illegal; and (4) in the commission of the offense, any of the following circumstances is present: (a) the kidnapping or detention lasts for more than three days; (b) it is committed by simulating public authority; (c) any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made; or (d) [if] the person kidnapped or detained is a minor, the duration of his detention is immaterial. Likewise, if the victim is kidnapped and illegally detained for the purpose of extorting ransom, the duration of his detention is immaterial"; id. at 20, citing *People v. Ejandra*, 473 Phil. 381, 403 (2004).

¹⁸ Id. at 25-36.

¹⁹ Id. at 37.

²⁰ Please *see* appellant's brief, id. at 56-57.

The Ruling of the CA

The CA affirmed Bulaitan and Mangahas' conviction but modified the RTC's judgment by expressly declaring that the two are not eligible for parole. The CA also increased the award of exemplary damages in favor of Editha from ₱25,000.00 to ₱100,000.00.²¹

In dismissing the appeal, the CA took note of Editha's statement during cross-examination that two men entered the gate and one of them was Bulaitan, who held a short firearm.²² Eric corroborated Editha's testimony.²³ While Mangahas was dragging Editha out of the Nissan Pick up, Bulaitan poked Eric's cheek with a short firearm.

Unperturbed, Bulaitan once again filed a Notice of Appeal²⁴ to challenge the CA Decision. Bulaitan, through the Public Attorney's Office, thereafter manifested his adoption of the Appellant's Brief filed before the CA, in lieu of submitting a supplemental brief before this Court.²⁵

Issue

Bulaitan raises the lone issue of whether or not the RTC and the CA erred in finding him guilty beyond reasonable doubt of the crime charged.²⁶

In support thereof, Bulaitan assiduously avers that his identity as among the kidnapers of Editha and his direct participation in the commission of the crime were not sufficiently proven.

The Office of the Solicitor General (OSG) seeks the dismissal of the instant appeal. The OSG emphasizes that Editha and Eric positively testified having seen Bulaitan with Mangahas enter the gate of the residence of the Chuas. Bulaitan wielded a short firearm which he used to poke Eric's stomach and cheek. Bulaitan also assisted Mangahas in dragging Editha to the vehicle used by the kidnapers.²⁷

²¹ *Rollo*, p. 19.

²² *Id.* at 16-17.

²³ *Id.* at 17.

²⁴ *Id.* at 23-24.

²⁵ *Id.* at 37-39.

²⁶ *CA rollo*, p. 51.

²⁷ Please *see* Appellee's Brief, *id.* at 94-122; Per Manifestation and Compliance (*rollo*, pp. 30-32) filed with this Court, the OSG stated that in lieu of a supplemental brief, it is adopting the arguments it had already raised in the Appellee's Brief filed with the CA.

This Court's Disquisition

The instant appeal lacks merit but modifications of the assailed CA decision relative to the award of civil indemnity and damages are warranted.

Several oft-repeated doctrines find application in the instant appeal.

First. “Issues of sufficiency of evidence are resolved by reference to findings of the trial court that are entitled to the highest respect on appeal in the absence of any clear and overwhelming showing that the trial court neglected, misunderstood or misapplied some facts or circumstances of weight and substance affecting the result of the case.”²⁸

Second. It is the most natural reaction for victims of crimes to strive to remember the faces of their assailants and the manner in which the craven acts are committed.²⁹

Third. Absent any evidence showing any reason or motive for prosecution witnesses to perjure, the logical conclusion is that no such improper motive exists, and their testimonies are thus worthy of full faith and credit.³⁰

Fourth. Where the acts of the accused collectively and individually demonstrate the existence of a common design towards the accomplishment of the same unlawful purpose, conspiracy is evident, and all the perpetrators will be liable as principals.³¹ Stated otherwise, to hold an accused guilty as a co-principal by reason of conspiracy, he must be shown to have performed an overt act in pursuance or furtherance of the complicity.³²

In the case at bar, Editha testified:

Q: According to you[,] one of them opened the door of your vehicle[.] [Did you] not try to get out of the vehicle at that time?

A: No, sir, because they entered the gate and I saw one of them holding a long firearm while the other one was holding a short firearm.

²⁸ *People of the Philippines v. Garcia*, 424 Phil. 158, 178 (2002).

²⁹ *Id.* at 183.

³⁰ *People v. Bringas*, G.R. No. 189093, April 23, 2010, 619 SCRA 481, 502-503.

³¹ *Id.* at 514.

³² *People v. Pagalasan*, 452 Phil. 341, 363 (2003).

Q: Who was holding a long firearm at that time?

A: Mangahas was holding a long firearm while Bulaitan was holding a short firearm.³³

Eric attested to the veracity of Editha's narration when he stated:

Q: And what did your mother-in-law do when she was being pulled by that man?

A: When this person pulled my mother-in-law out of the vehicle, the person who poked at my stomach helped him and I tried to help my mother-in-law but he poked his firearm at my cheek, sir.

Q: After that[,] what happened to your mother-in-law while she was being pulled?

A: They brought her to their vehicle, sir.

Q: Will you be able to identify the person who hit your father-in-law and went around in front and pulled your mother-in-law?

A: Yes, sir.

Q: If he is in the Court[,] will you be able to identify and point to that person who went around the vehicle and pulled your mother-in-law?

A: The witness is pointing to a person inside the courtroom wearing a yellow T-shirt and gave his name as Fortunato Mangahas when asked by the court.

Q: That person who poked his short firearm at the right side of your body or stomach, will you be able to identify him also?

A: Yes, sir.

Q: If he is in the Court, will you be able to identify and point to him?

A: Witness is pointing to a person wearing yellow T-shirt and gave his name as Joel Bulaitan, accused in this case.³⁴

The testimonies of prosecution witnesses regarding Bulaitan's identity as among the kidnappers and his participation in the commission of the crime were positive, categorical and unwavering, hence, deserve more weight *vis-à-vis* his feeble defenses of *alibi* and denial.

Editha and Eric both had the opportunity to see the faces of Mangahas and Bulaitan when the two accused: entered the gate of the Chuas' residence; approached the Nissan Pick-up while wielding firearms, which were used to either hit or poke the passengers therein; and dragged Editha therefrom to the vehicle used by the kidnappers. Mangahas and Bulaitan did not wear any bonnets or masks, hence, it took little effort to observe and remember their features. Further, the defense had not ascribed to Editha and Eric any ill motive to testify against Mangahas and Bulaitan.

³³ *Rollo*, pp. 16-17.

³⁴ *Id.* at 17.

Bulaitan's attempt to cast doubt upon the courts *a quo's* finding anent his specific participation as a co-conspirator in the commission of the crime of kidnapping for ransom cannot likewise be sustained. Editha and Eric both testified that Bulaitan entered the gate of the Chuas' residence while toting a short firearm. He used the same firearm to poke Eric's stomach and cheek. He also helped Mangahas forcefully drag Editha to the vehicle used by the kidnappers and rode the same. Bulaitan's overt acts indicate no less than his concurrence with Mangahas' design to deprive Editha of her liberty for the purpose of extorting ransom. The existence of conspiracy and Bulaitan's participation therein were evident.

In the light of the above discussion, this Court thus finds no error committed by the CA and the RTC in rendering judgments of conviction against Mangahas and Bulaitan.

Regarding the award of damages in cases of kidnapping, *People v. Bautista*³⁵ is instructive, *viz*:

[P]revailing jurisprudence dictates the following amounts to be imposed: PhP 75,000 as civil indemnity which is awarded if the crime warrants the imposition of death penalty; PhP 75,000 as moral damages because the victim is assumed to have suffered moral injuries, without need of proof; and PhP 30,000 as exemplary damages.

Even though the penalty of death was not imposed, the civil indemnity of PhP 75,000 is still proper because the said award is not dependent on the actual imposition of the death penalty but on the fact that qualifying circumstances warranting the imposition of the death penalty attended the commission of the offense.³⁶ (Citations omitted)

Considering the foregoing, this Court finds it apt to further direct Bulaitan to pay Editha ₱75,000.00 as civil indemnity³⁷ and an additional ₱35,000.00 as moral damages. The CA's

³⁵ G.R. No. 188601, June 29, 2010, 622 SCRA 524.

³⁶ Id. at 546.

³⁷ Section 8 of Republic Act No. 7659 (An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, as Amended, Other Special Penal Laws, and for Other Purposes) in part provides that "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 none of the circumstances above-mentioned were present in the commission of the offense." In Bulaitan's case, although *reclusion perpetua* was imposed instead of the death penalty pursuant to the provisions of Republic Act No. 9346 (An Act Prohibiting the Imposition of Death Penalty in the Philippines), the award of civil indemnity in Editha's favor is still warranted on account of this Court's pronouncement in *People v. Bautista* (supra note 35).

imposition of ₱100,000.00 as exemplary damages is sustained,³⁸ but Mangahas shall only be solidarily liable with Bulaitan up to the amount of ₱25,000.00 awarded by the RTC. The difference of ₱75,000.00 between the RTC and the CA's awards shall be Bulaitan's sole liability. The additional liabilities for civil indemnity and damages, which this Court imposes solely upon Bulaitan, are in accordance with Section 11,³⁹ Rule 122 of the Rules of Criminal Procedure.⁴⁰ Further, all the monetary awards for damages imposed upon Bulaitan shall be subject to interest at the legal rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.⁴¹

WHEREFORE, the instant appeal is **DENIED**. The Decision dated April 29, 2011 of the Court of Appeals in CA-G.R. CR-HC No. 03812 is **AFFIRMED with MODIFICATIONS**. Accused-appellant Joel Bulaitan y Macamus is found **GUILTY** beyond reasonable doubt as a co-conspirator in the crime of kidnapping for ransom and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. He is hereby ordered to solidarily pay with his co-accused, Fortunato Mangahas y Sandique, ₱40,000.00 as moral damages and ₱25,000.00 as exemplary damages to Editha Chua. In addition thereto, Joel Bulaitan y Macamus is further directed to pay Editha Chua ₱75,000.00 as civil indemnity, ₱35,000.00 as moral damages, and ₱75,000.00 as exemplary damages. All the monetary awards for damages imposed against Joel Bulaitan y Macamus shall earn annual interest at the legal rate of six percent (6%) from the date of finality of this Resolution until fully paid.

³⁸ Please see *People v. Ganih* (G.R. No. 185388, June 16, 2010, 621 SCRA 159, 168) where this Court declared that "an aggravating circumstance, whether ordinary or qualifying, entitles the offended party to exemplary damages within the meaning of Article 2230 of the New Civil Code" and when the commission of the crime of kidnapping was attended by a demand for ransom, an award of ₱100,000.00 in exemplary damages by way of example or correction is in order.

³⁹ Sec. 11. *Effect of appeal by any of several accused.*—

(a) An appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.

x x x x


⁴⁰ This Resolution, which awards additional damages to Editha, is unfavorable to Mangahas, Bulaitan's co-accused who no longer appealed the RTC Decision. As to Mangahas, the RTC Decision had already lapsed into finality, hence, the disquisitions herein only bind Bulaitan. This is consistent with settled doctrines that "penal laws are to be construed liberally in favor of the accused" and that "where the law does not distinguish, neither should we." (supra note 28, at 192) Section 11, Rule 122 of the Rules of Criminal Procedure thus applies when both/either the criminal penalties and/or civil liabilities imposed upon an accused-appellant have/has been increased *vis-à-vis* those imposed or awarded by the courts *a quo*. The increased criminal penalties and/or civil liabilities should no longer affect a co-accused who no longer appealed from the judgments rendered by the courts *a quo*. (Please see *People v. Valdez*, G.R. No. 175602, February 13, 2013, 690 SCRA 563; *People v. Tunicao*, G.R. No. 185710, January 19, 2010, 610 SCRA 350; *People v. Arondain*, 418 Phil. 354 (2001).


⁴¹ Please see *People v. Veloso*, G.R. No. 188849, February 13, 2013, 690 SCRA 586, 600.

SO ORDERED.


BIENVENIDO L. REYES
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice