



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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PEOPLE OF THE PHILIPPINES, **G.R. No. 248456**

Plaintiff-Appellee, Present:

- versus -

GESMUNDO, C.J.,
 LEONEN,
 CAGUIOA,
 HERNANDO,
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ, M.,*
 GAERLAN,
 ROSARIO,
 LOPEZ, J.,
 DIMAAMPAO,**
 MARQUEZ,
 KHO, JR., and
 SINGH,*** JJ.

TYRONE DELA CRUZ
 RESURRECCION, JEZREEL
 JIMMY CUEVAS, SANDY
 VIÑESA and JOHN DOE,
Accused,

TYRONE DELA CRUZ y
 RESURRECCION and
 SANDY VIÑESA,
Accused-Appellants.

Promulgated:

August 16, 2022

X-----*[Signature]*-----X

DECISION

INTING, J.:

Assailed in this ordinary Appeal¹ is the Decision² dated March 20, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10251 which

* On leave.

** Took no part.

*** Took no part.

¹ *Rollo*, pp. 13-15. See Notice of Appeal dated March 29, 2019.

² *Id.* at 3-12; penned by Associate Justice Japar B. Dimaampao (now a Member of the Court) with Associate Justices Manuel M. Barrios and Maria Filomena D. Singh (now a Member of the Court), concurring.

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affirmed the Decision³ dated November 17, 2017 of Branch 92, Regional Trial Court (RTC) of Calamba, Laguna that found accused-appellants Tyrone Dela Cruz y Resurreccion (Dela Cruz) and Sandy Viñesa (Viñesa) (collectively, accused-appellant) guilty beyond reasonable doubt of the crime of Kidnapping for Ransom under Article 267 of the Revised Penal Code (RPC).

The Antecedents

Accused-appellants, co-accused Jezreel Jimmy Cuevas (Cuevas), and a certain John Doe were charged with the crime of Kidnapping for Ransom under Article 267 of the RPC in an Information dated December 16, 2013 which reads:

“That on or about the 9th day of August 2013, at around 11:00 o’clock in the evening, in Barangay Pansol, Calamba, Laguna, Philippines and within the jurisdiction of this Honorable Court, the above[-]named accused, being then private individuals, conspiring and confederating together with JOHN DOE, whose true identity and present [whereabouts] are still unknown[,] and mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously, for the purpose of extorting ransom in the amount of Thirty Million Pesos (Php30,000,000.00) from the family of SPOUSES JASON EDWARD TAY HUANG and ELISA DELA CRUZ HUANG, kidnap, carry away, detain and deprive said SPOUSES JASON EDWARD TAY HUANG and ELISA DELA CRUZ HUANG, the latter being a female, of their liberty without authority of law, against their will and consent, which ransom payment eventually reduced to Eight Hundred Sixty Seven Thousand Pesos ([Php]867,000.00), given and delivered to the accused.

CONTRARY TO LAW.⁴ (emphasis in the original)

When arraigned, both Dela Cruz and Viñesa entered pleas of not guilty to the charge against them. The case as against co-accused Cuevas was archived, he having remained at large.⁵

Despite private complainants’ manifestation about their respective affidavits of desistance, the RTC proceeded to try the case on the merits.⁶

³ CA *rollo*, pp. 59-71; penned by Acting Presiding Judge Wilhelmina B. Jorge-Wagan.

⁴ *Rollo*, p. 4. As culled from the Decision dated March 20, 2019 of the Court of Appeals.

⁵ *Id.*

⁶ *Id.*

The Prosecution's Evidence

Police Chief Inspector Jeffrey Fallar (PCI Fallar) of the Philippine National Police Anti-Kidnapping Group (PNP-AKG) testified that on August 9, 2013, he received a report from a certain Jenny Dela Cruz that her sister, Elisa Dela Cruz Huang (Elisa), and brother-in-law, Jason Edward Tay Huang (Jason) (collectively, Spouses Huang), were kidnapped. The Luzon Field Unit of the PNP-AKG then conducted an assessment of the case.⁷

On August 10, 2013, at around 10:30 a.m., the kidnapers released Elisa in Cavite. Following their standard operating procedure, police officers from the PNP-AKG fetched Elisa and brought her to Camp Crame in Quezon City for initial briefing. There, she alleged that she was released by the kidnapers in order to raise the ransom money for Jason's liberty. In the presence of the police authorities, Elisa negotiated a deal with the kidnapers with the ransom money pegged at ₱867,000.00. Afterwards, the kidnapers instructed her to proceed to the South Luzon Expressway for the payoff. *En route* to the agreed place, the members of the PNP-AKG closely followed Elisa's car.⁸

While in transit, the police authorities noticed a white Honda Civic vehicle bearing Plate No. WKV-152 constantly tailing Elisa's car. After a while, Elisa parked her car at a Shell gasoline station. The driver of the Honda Civic vehicle tailing Elisa's car followed. At the Shell parking area, the driver of the Honda Civic vehicle and one of its passengers alighted; after a while, both again boarded the vehicle but changed seats. Elisa's car started to move again and the Honda Civic followed. When Elisa almost reached the Petron gasoline station along the expressway, she dropped off the ransom money. One passenger of the white Honda Civic vehicle, later identified as Viñesa, retrieved the ransom money from the ground along the bridge near the gasoline station.⁹

Later that evening, the kidnapers released Jason. Thereafter, Elisa, Jason, and their helper, Albert Serrado (Albert), executed their respective affidavits regarding the case.¹⁰

⁷ Id. at 4-5.

⁸ Id. at 5; see also *CA rollo*, p. 60-61.

⁹ *CA rollo*, pp. 61, 63-64.

¹⁰ *Rollo*, p. 5.

The police authorities made a search as to the ownership of the white Honda Civic vehicle in order to identify the perpetrators of the crime. Upon investigation, they learned that Dela Cruz had acquired the vehicle from a certain Jun Cacanando (Jun) who was engaged in the business of buying and selling used cars. Police Officer III Maleo David Manzano (PO3 Manzano) testified that Jun was able to confirm the identity of Dela Cruz through photographs obtained by the police authorities from the latter's Facebook account. Moreover, PCI Jonel Guadalupe (PCI Guadalupe), Police Senior Inspector Nestor Acebuche,¹¹ and Senior Police Officer IV Jaybruce Gadit also confirmed that the person appearing in the photographs was the same person they saw at the Shell gasoline station standing with three other male persons near the Honda Civic vehicle. Ultimately, Jason and Albert positively identified Dela Cruz as one of the kidnapers through the same photographs.¹²

A further investigation led the police authorities to *Barangay Sibulan*, Nagcarlan, Laguna where, through *Barangay* Chairman Ariel Barrios, the police authorities were able to find and positively identify Viñesa as one of the kidnapers.¹³

The Defense's Evidence

Dela Cruz and Viñesa raised the defense of denial, *viz.*:

8. On 25 September 2013, Barangay Chairman ARIEL BARRIOS (Chairman Barrios) of Barangay Sibulan where (*sic*) having a session at the barangay hall when members of the Anti-Kidnapping group arrived and told him that they wanted to talk to accused Sandy Viñesa (Sandy). The operatives kept asking Sandy about his relationship with co-accused Tyrone Dela Cruz (Tyrone), but the former denied their inquiries. As the operatives failed to get the answers they wanted from Sandy, they told the latter that if he would not cooperate, he should just wait for his warrant.¹⁴

The RTC Ruling

¹¹ Also referred to as Arcebuche in some parts of the *rollo*, (see *rollo*, p. 5).

¹² *Id.*; see also CA *rollo*, p. 62.

¹³ CA *rollo*, p. 64.

¹⁴ *Id.* at 50.

In the Decision¹⁵ dated November 17, 2017, the RTC found accused-appellants guilty beyond reasonable doubt of the crime charged.¹⁶ It ruled that even without the testimonies of Spouses Huang, the totality of the circumstantial evidence adduced by the prosecution led to the conclusion that accused-appellants were responsible for the kidnapping and detention of the Spouses Huang for the purpose of extorting ransom money.¹⁷

Accordingly, the RTC sentenced accused-appellants to suffer the penalty of *reclusion perpetua* and ordered them to pay, jointly and severally, the following amounts: (a) ₱867,000.00 as actual damages; (b) ₱75,000.00 as civil indemnity; (c) ₱75,000.00 as moral damages; and (d) ₱30,000.00 as exemplary damages. It also imposed an interest at the legal rate of 6% *per annum* on the monetary award from the date of finality of the judgment until fully paid.¹⁸

Accused-appellants thereafter appealed before the CA.

The CA Ruling

In the Decision¹⁹ dated March 20, 2019, the CA affirmed the RTC Decision *in toto*. It ruled that:

In the case at bench, the commission of the crime was duly established by the mass of circumstantial evidence adduced by the prosecution. We find highly dubious and illogical the execution by Jason and Elisa in their *Affidavits of Desistance* declaring that they had merely misappreciated the facts as previously narrated in their respective *Sinumpaang Salaysay*. True it is that the police officers adduced no witness to the actual abduction of Jason and Elisa, but it is equally true that they were the very members of the PNP-AMG who received the initial report from Elisa's sister regarding the kidnapping incident, and conducted the necessary assessment procedure therefor. The police officers likewise fetched Elisa at the time she was released, witnessed her negotiate with appellants as regards the ransom money, and even accompanied her during the payoff, where they perceived appellants' identities using their own senses.²⁰ (*italics in the original*)

¹⁵ Id. at 59-71.

¹⁶ Id. at 70.

¹⁷ Id. at 67-68.

¹⁸ Id. at 70-71.

¹⁹ *Rollo*, pp. 3-12.

²⁰ Id. at 8-9.

Thus, the CA concluded that the prosecution was able to establish the guilt of accused-appellants beyond reasonable doubt, notwithstanding the lack of interest of the Spouses Huang to prosecute the case.²¹

The Issue

The sole issue for the Court's resolution is whether accused-appellants' guilt beyond reasonable doubt of the crime charged was sufficiently established by the prosecution *sans* the direct testimony of the Spouses Huang.

The Court's Ruling

The appeal is without merit.

Article 267²² of the RPC defines and prescribes the penalty for the crime of Kidnapping for Ransom:

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:

1. If the kidnapping or detention shall have lasted more than three days.
2. If it shall have been committed simulating public authority.
3. 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.
4. 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 where the kidnapping or detention

²¹ Id. at 11.

²² As amended by Republic Act (RA) No. 7659, An act to impose the death penalty on certain heinous crimes, amending for that purpose the Revised Penal Code, as amended, other special penal laws, and for other purposes (*Death Penalty Law, Republic Act No. 7679*, [December 13, 1993]).

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.

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.

For an accused to be convicted of the crime of Kidnapping for Ransom, the prosecution must prove that: (a) the accused was a private person; (b) he kidnapped or detained, or in any other manner, deprived another of his or her liberty; (c) the kidnapping or detention was illegal; and (d) the victim was kidnapped or detained for ransom.²³

In the case, the RTC found the totality of the circumstantial evidence adduced by the prosecution sufficient to support accused-appellants' conviction of the crime charged, *viz.*:

The following circumstantial evidence indubitably led this court to conclude that Spouses Huang were indeed kidnapped and detained:

First, Police Senior Inspector Cresencio Arganda, PO3 Maleo David Manzano and PCI Jonel Guadalupe of the Anti-Kidnapping Group Camp Crame, Quezon City categorically testified that on 10 August 2013[,] Jenny, Elisa's sister, lodged a complaint for kidnapping at their office;

Second, Officers Arganda, Manzano and Guadalupe also averred that, after Jenny's complaint, they fetched Elisa from GMA Cavite where Elisa was released by the kidnappers purposely to raise the ransom money for Jason's release.

Third, Officers Arganda, Manzano and Guadalupe further avowed and maintained they were with Elisa, at their office, when she negotiated with the kidnappers over the phone concerning the amount of the ransom.

Fourth, PO3 Manzano, the Investigator-on-case, averred he was present when Elisa Huang prepared the ransom money, and identified the list of the serial numbers of the ransom bills used in the pay-off.

Fifth, Officers Arganda, Manzano and Guadalupe also avowed

²³ *People v. Gregorio*, 786 Phil. 565, 583 (2016).

they closely tailed and monitored Elisa's car along SLEX after Elisa was instructed by the kidnappers to drop the ransom.

Sixth, the same operatives saw the white Honda Civic car, with plate number WKV-152, [park] beside Elisa's car, and again tailed Elisa's car until Elisa dropped the ransom along the southbound of SLEX; and

Finally, Officer Guadalupe positively avowed he saw accused Viñesa [get] the money along the bridge near the Petron gas station of SLEX southbound.²⁴ (Italics in the original and citations omitted)

The CA, in affirming the RTC ruling, also quoted PCI Guadalupe's positive identification of accused-appellants during the payoff of the ransom money:

Upon this point, We turn to PCI Guadalupe's open-and-shut testimony that he saw appellants pick up the ransom money delivered by Elisa, viz—

“Q Were there any passengers inside the vehicle with Plate No. WKV152?

A During that time, four passengers, sir.

Q How were you able to determine the number of passengers inside that vehicle?

A When the vehicle stopped in the Gasoline Station, they alighted from the vehicle that is why we saw them and so we were able to determine how many passengers were inside that vehicle, sir.

Q You mentioned that you saw these passengers, Mr. Witness alighted from the vehicle, were you able to get a good look of them and will you be able to describe them?

A We saw their faces which we later identified their names after we conducted the social investigation, sir.

Q Where did you get the names of these persons?

A From the facebook account of Mr. Tyrone dela Cruz, sir.”²⁵ (Citation omitted)

²⁴ CA rollo, p. 68.

²⁵ Rollo, p. 9.

In light of the above-mentioned circumstances, the Court finds no cogent reason to overturn the findings of the RTC, as affirmed by the CA, absent a clear showing that the lower courts had overlooked, misunderstood or misapplied some facts or circumstances of weight or substance that could have altered the outcome of the case.²⁶

The Court also agrees with the lower courts' conclusion that accused-appellants acted in conspiracy with two other persons to kidnap and detain the Spouses Huang in order to extort ransom money in exchange for their liberty.

In *People v. Niegas*,²⁷ the Court explained that direct proof is *not* essential to prove conspiracy; rather, it may be inferred from the acts of the accused when such acts reveal a joint purpose and design, concerted action, and community of interest, *viz.*:

Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. While it is mandatory to prove it by competent evidence, direct proof is not essential to show conspiracy – it may be deduced from the mode, method, and manner by which the offense was perpetrated, or inferred from the acts of the accused themselves when such acts point to a joint purpose and design, concerted action and community of interes[t].²⁸

Here, the police officers positively identified accused-appellants as two of the four passengers on board the white Honda Civic vehicle, with Plate No. WKV-152, that was tailing Elisa's car *en route* to the designated drop-off point of the ransom money.²⁹ More importantly, PCI Guadalupe positively identified Viñesa as the person who retrieved the ransom money after Elisa dropped it off near a Petron gasoline station along the South Luzon Expressway.³⁰

Based on the circumstances, there is no question that accused-appellants and their cohorts were complicit in the joint purpose and design of the kidnapping of the Spouses Huang for the purpose of

²⁶ See *Reyes, Jr. v. Court of Appeals*, 424 Phil. 829, 836 (2002).

²⁷ 722 Phil. 301 (2013).

²⁸ *Id.*

²⁹ *CA rollo*, pp. 62-63.

³⁰ *Id.* at 64.

extorting ransom money from them or their family.

Finally, the Court finds the absence of Spouses Huang's testimonies *inconsequential* to overturn accused-appellants' conviction considering the positive testimonies of the police officers who fetched Elisa when she was released by the kidnappers, personally witnessed her negotiate her husband's release, and accompanied her during the payoff of the ransom money. These testimonies cannot be considered as hearsay evidence,³¹ as the defense posits,³² simply because the prosecution's witnesses testified based on their personal knowledge, derived from their own perceptions of the incidents leading to and during the payoff of the ransom money.

Accused-appellants should be convicted of two counts of Kidnapping for Ransom.

In the 2022 case of *People v. Caloring*³³ (*Caloring*), the Court reiterated the general rule that an information must charge *only one offense, viz.:*

The rule is that there should be only one (1) offense in one (1) Information. Otherwise, the Information would be *defective* such that the accused may move for the quashal of the Information and raise such defect. However, if the accused fails to file a motion to quash the Information, *he is deemed to have waived the right to question the defect.*³⁴ (Italics supplied; citations omitted)

In *Caloring*, the Court cited the cases of *People v. Kulais*,³⁵ *People v. Bacungay*,³⁶ *People v. Uyboco*,³⁷ and *People v. Ayok*³⁸ to clearly illustrate the application of the rule *proscribing* the duplicity of offenses charged in an information as applied in Kidnapping for Ransom cases. Notably, what these cases have in common is that *multiple victims* were kidnapped by the accused in a single incident for the purpose of

³¹ Hearsay evidence is defined as "evidence not of what the witness knows himself but of what he has heard from others." See *People v. Manhuyod, Jr.*, 352 Phil. 866, 880 (1998).

³² CA rollo, p. 53.

³³ G.R. No. 250980, March 15, 2022.

³⁴ Id.

³⁵ 354 Phil. 565 (1998).

³⁶ 428 Phil. 798 (2002).

³⁷ 655 Phil. 143 (2011).

³⁸ G.R. No. 226187 (Notice), June 17, 2019.

extorting ransom money. The accused were then accordingly charged in separate informations and convicted of multiple counts of Kidnapping for Ransom *depending on the number of victims kidnapped* in each case.

Following these judicial precedents, the Court found the Information in *Caloring* to be *defective* because it charged only one count of Kidnapping for Ransom for the abduction of four persons. In so ruling, the Court also cited the case of *People v. Jugueta*³⁹ as to the prohibition against duplicitous complaints and informations as well as the effect thereof under Section 13, Rule 110 of the Revised Rules of Criminal Procedure, *viz.* :

SEC. 13. *Duplicity of the offense.* — A complaint or information must charge only one offense, except when the law prescribes a single punishment for various offenses. (Italics and underscoring supplied.)

That being said, the Court in *Caloring* considered the defect in the Information therein to have been *waived* in view of the failure of the accused to raise an objection thereto in a motion to quash *before* entering their pleas of not guilty, with the exception of the one accused who was not arraigned in the case.

Caloring, in effect, has unequivocally put to rest any confusion in the prosecution of Kidnapping for Ransom cases involving multiple victims. To emphasize, the public prosecutor must file one information for every victim of Kidnapping for Ransom *regardless of whether they were all taken at the same time or only one ransom was demanded by the accused.* After all, in such cases, the crimes were committed against *each* person kidnapped and as a consequence, the accused must be penalized for *every count* accordingly.

Here, the Court notes that there was only *one* Information filed against accused-appellants for the kidnapping of Spouses Huang for the purpose of extorting ransom money. There is thus *duplicity* of the crimes charged in the Information. The records, however, do not show that accused-appellants objected to the duplicity of the Information by filing a motion to quash before their arraignment. Hence, they are deemed to have *waived* such defect.⁴⁰

³⁹ 783 Phil. 806 (2016).

⁴⁰ See *People v. Orias*, 636 Phil. 427 (2010).

In this connection, Section 3, Rule 120 of the Rules of Court provides:

SEC. 3. *Judgment for two or more offenses.* — When two or more offenses are charged in a single complaint or information, and the accused fails to object to it before trial, the court may convict him of as many offenses as are charged and proved, and impose on him the penalty for each offense, setting out separately the findings of fact and law in each offense.

The penalty for the crime of Kidnapping for Ransom under Article 267 of the RPC is death. In view of Republic Act No. (RA) 9346, which prohibited the imposition of the death penalty, the Court hereby imposes against accused-appellants the penalty of *reclusion perpetua* in lieu of death for each count. The phrase “*without eligibility for parole*” is attached to qualify *reclusion perpetua* where the death penalty is warranted but is not imposed because of RA 9346, as in this case, pursuant to A.M. No. 15-08-02-SC.⁴¹

As to the award of damages, the Court deems it proper to increase the amounts of civil indemnity, moral damages, and exemplary damages to ₱100,000.00 each for every count of Kidnapping for Ransom, in conformity with prevailing jurisprudence.⁴²

WHEREFORE, the appeal is **DISMISSED**. The Decision dated March 20, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 10251 is hereby **AFFIRMED** with **MODIFICATION** in that accused-appellants Tyrone Dela Cruz y Resurrecion and Sandy Viñesa are found **GUILTY** beyond reasonable doubt of two counts of Kidnapping for Ransom under Article 267 of the Revised Penal Code, and sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, for each count. Accused-appellants Tyrone Dela Cruz y Resurreccion and Sandy Viñesa are further ordered to pay, jointly and severally, ₱867,000.00 as actual damages, and for each count of Kidnapping for Ransom: ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages.

⁴¹ Item II (2) of A.M. No. 15-08-02-SC, entitled “*Guidelines for the Proper Use of the Phrase ‘Without Eligibility for Parole’ in Indivisible Penalties*,” dated August 4, 2015 provides: “(2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. 9346, the qualification of ‘*without eligibility for parole*’ shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.”

⁴² See *People v. PO3 Borja*, 815 Phil. 327 (2017).

All monetary awards shall earn legal interest rate of 6% *per annum* from the finality of this Decision until fully paid.

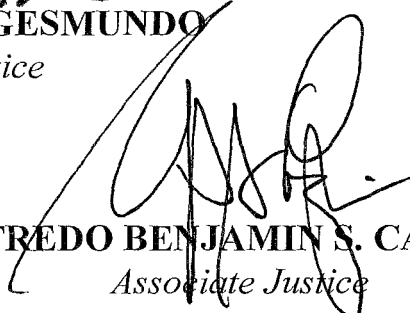
SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Associate Justice

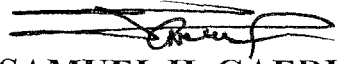

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


(On leave)
MARIO V. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP N. LOPEZ
Associate Justice

(No part)
JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


(No part)
MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of the Court.


ALEXANDER G. GESMUNDO
Chief Justice

CERTIFIED TRUE COPY


MARIA LUISA M. SANTILLA
Deputy Clerk of Court and
Executive Officer
OCC-En Banc, Supreme Court

