



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**NOTICE**

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **October 9, 2019**, which reads as follows:

**“G.R. No. 226189 (People of the Philippines, plaintiff-appellee vs. Fernando Somido y Fuentes, Rogelio Bitbit y Bade, Ric Parcia y Ferrer, Roberto Ferrer y De Asis, Raymund Fruto y Trocio, Emma Bitbit y Somido, Philip Pagarido @ “Philip,” Vilmor Catamco @ “Jong,” Joel Bunales @ “Vic,” Virgilio Corpuz @ “Lupin,” et al., accused; Ric Parcia y Ferrer, Roberto Ferrer y De Asis, Raymund Fruto y Trocio, and Felicito Belonio Braga @ “Caloy,” accused-appellants).** – Before this Court is a Motion for Reconsideration<sup>1</sup> of the Court’s Resolution<sup>2</sup> dated June 10, 2019, the dispositive portion of which reads:

**WHEREFORE**, the Court **ADOPTS** and **AFFIRMS** the factual findings and conclusions of law in the Decision dated March 31, 2015 issued by the Court of Appeals in CA-G.R. CR HC No. 04804, convicting the accused-appellants of Kidnapping for Ransom, as defined and penalized under Article 267 of the Revised Penal Code, as amended by Republic Act No. 7659.

However, the penalty so adjudged in the Decision dated March 31, 2015 is **AFFIRMED** with **MODIFICATION** in that the accused-appellants are hereby adjudged to suffer the penalty of *reclusion perpetua* without eligibility for parole and are **ORDERED** to **PAY** the private complainant, Mae Ling Ang, jointly and solidarily, the amounts of P100,000.00, as civil indemnity, P100,000.00 as moral damages, and P100,000.00 as exemplary damages, in accordance with *People v. Jugueta*,<sup>3</sup> with the accused-appellants paying an interest of six percent (6%) *per annum* on all damages awarded from the date of the finality of this Resolution until fully paid.

**SO ORDERED.**<sup>4</sup>

<sup>1</sup> Rollo, pp. 25-89.

<sup>2</sup> Id. at 83-84.

<sup>3</sup> 783 Phil. 806 (2016)

<sup>4</sup> Rollo, pp. 83-84.

Accused-appellants Ric Parcia y Ferrer (Parcia), Roberto Ferrer y De Asis, Raymund Fruto y Trocio, and Felicito Belonio Braga @ "Caloy" (Braga) sought reconsideration of the Court's Resolution on August 9, 2019.<sup>5</sup> In their Motion, the accused-appellants reiterated their innocence, that no other evidence was presented save for the testimony of Oscar Salazar and Freddie Bayona, who themselves were involved in the kidnapping and as such cannot be relied upon as credible witnesses.<sup>6</sup>

The argument raised by the accused-appellants has already been considered by the Court in arriving at its Resolution dated June 10, 2019.

Herein, there is no reason for the Court to deviate from the findings of fact of the trial court. The trial court found that the prosecution witnesses were credible as they narrated the events candidly and in a straightforward manner. Further, their response to questions were frank, spontaneous, and forthright. Having had the unique opportunity to observe the demeanor of the witnesses as they were testifying on the stand, matters relating to the credibility of witnesses are generally left for the trial court to decide. Thus, absent any compelling reason as in the case at bar, the trial court's assessment of the witnesses' credibility is given great weight and is adjudged to be conclusive and binding.<sup>7</sup> These testimonies, taken together, establish all the elements of the crime of Kidnapping for Ransom as defined and penalized under Article 267 of the Revised Penal Code, as amended by Republic Act No. 7659.<sup>8</sup> Thus, the Court's Resolution dated June 10, 2019 must stand.

Nonetheless, the Court notes of a Letter<sup>9</sup> dated December 27, 2018 from the Bureau of Corrections informing the Court that accused-appellant Braga had died on December 7, 2015 at the New Bilibid Prison, Muntinlupa City, as evidenced by the Certificate of Death<sup>10</sup> attached thereto. Subsequently, the Court received another Letter<sup>11</sup> from the same Bureau informing the Court of the death of another accused-appellant Parcia on June 3, 2019, per enclosed Certificate of Death.<sup>12</sup>

In view of this development, as their death occurred prior to their final conviction, the Court adjudges the criminal action as well as the civil action for the recovery of the civil liability *ex delicto* against accused-appellants Braga and Parcia *ipso facto* extinguished.<sup>13</sup> Corollarily, civil liability which

<sup>5</sup> Id. at 85-89.

<sup>6</sup> Id. at 86.

<sup>7</sup> *People v. Ocdol*, 741 Phil. 701, 714 (2014).

<sup>8</sup> 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 (approved on December 13, 1993).

<sup>9</sup> *Rollo*, p. 72.

<sup>10</sup> Id. at 77.

<sup>11</sup> Id. at 92.

<sup>12</sup> Id. at 94.

<sup>13</sup> Article 89(1) of the Revised Penal Code; *People v. Egagamao*, 792 Phil. 500, 508 (2016), citing *People v. Bayotas*, 306 Phil. 266, 278 (1994).

is predicated on a source of obligation other than the delict survives and may be recovered by the private offended party through a separate civil action against the executor/administrator or the estates of accused-appellants Braga and Parcia, as warranted by law and procedural rules.<sup>14</sup>

**WHEREFORE**, the instant Motion for Reconsideration is **DENIED with FINALITY**. The Court's Resolution dated June 10, 2019 is hereby **MODIFIED** to the effect that, in view of the death of accused-appellants Felicito Belonio Braga and Ric Parcia y Ferrer, the case against them is hereby **DISMISSED** and declared **CLOSED** and **TERMINATED**.

**SO ORDERED.**" (Inting, J., on official leave.)

Very truly yours,

*Mis D C Batt*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Deputy Division Clerk of Court*  
9/11/19

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<sup>14</sup> *People v. Egagamao*, supra, at 508-509.

