



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **10 February 2021** which reads as follows:*

“G.R. No. 248905 (*Annaliza Marzan*¹ and *Reynold Marzan*² v. *People of the Philippines*). – The Court resolves to **NOTE** the following:

- (1) Compliance dated October 28, 2019 by appellants’ counsel Atty. Kristine Jade S. Bihis-Rivera (Atty. Rivera) of the Law Firm of Ferrer stating that Anna Liza Marzan y Tarrrosa (Anna Liza) underwent hemodialysis on various dates in September 2019;
- (2) Compliance dated November 18, 2019 by appellants’ counsel Atty. Rivera of the Law Firm of Ferrer stating that Anna Liza underwent hemodialysis on various dates in October 2019;
- (3) Supplemental Petition by Atty. Mariano L. Bactin of Bactin and Associates Law Office, collaborating counsel for appellants Anna Liza and Reynold Marzan (Reynold);
- (4) Compliance dated January 15, 2020 by appellants’ counsel Atty. Rivera of the Law Firm of Ferrer stating that Anna Liza underwent hemodialysis on various dates in November 2019;

¹ Also referred to as “Anna Liza Catahan y Tarrosa” in some parts of the records.

² Also referred to as “Reynold Tan Wong” in some parts of the records.

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- (5) Compliance dated January 17, 2020 by appellants' counsel Atty. Joel B. Ferrer of the Law Firm of Ferrer stating that Anna Liza underwent hemodialysis on various dates in December 2019;
- (6) Compliance dated February 18, 2020 by appellants' counsel Atty. Rivera of the Law Firm of Ferrer stating that Anna Liza underwent hemodialysis treatment; and
- (7) Notice of Death of Anna Liza who died on June 22, 2020, with attached certificate of death.

The Case

In view of the penalty of *reclusion perpetua* imposed by both the trial court and the Court of Appeals on Anna Liza, the Court treats this petition for review on *certiorari*³ as an appeal from the Decision⁴ dated January 31, 2019 and Resolution⁵ dated July 29, 2019 of the Court of Appeals in CA-G.R. CR HC No. 10132 affirming the verdict of conviction for serious illegal detention against appellants Spouses Anna Liza Marzan (Anna Liza) and Reynold Marzan (Reynold), as principal and accomplice, respectively.

The Charge

By Information dated August 22, 2012, Anna Liza and Reynold were charged with serious illegal detention, as follows:

That on or about the period comprised from June 2009 up to May 2012, in Quezon City, Philippines, the above-named accused, conspiring together, confederating and mutually helping each other, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously detained and locked BONITA A. BARAN, a female, inside a house located at No. 75 Las Villas Del Cielo, Visayas Avenue, Quezon City, during the said period of time or for two years and 11 months thereby depriving the said offended party of her liberty, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.⁶

³ *Rollo*, pp. 10-23.

⁴ Penned by Associate Justice Henri Jean Paul B. Inting (now a Member of this Court), concurred in by Associate Justice Fernanda Lampas Peralta and Associate Justice Rodil V. Zalameda (now a Member of this Court), *id.* at 29-46.

⁵ Penned by Associate Justice Rodil V. Zalameda (now a Member of this Court), concurred in by Associate Justices Fernanda Lampas Peralta and Associate Justice Samuel H. Gaerlan (now a Member of this Court), *id.* at 48-49.

⁶ *Id.* at 184.

On arraignment, Anna Liza and Reynold pleaded not guilty.⁷ Trial ensued.

The Proceedings Before The Trial Court

Prosecution's Version

The testimonies of complainant Bonita Baran (Bonita), her father Benjamin Baran, her sister Olivia Baran, Edilberto Rodolfo Chavez, Dr. Wilfredo Kagaoan, Dr. Joselito Urgel (Dr. Urgel), and Dr. Erwin Erfe (Dr. Erfe) may be summarized, in this wise:

On February 21, 2007, Anna Liza and Reynold hired Bonita as house helper in their Quezon City home. Her tasks included cleaning the house, cooking meals, washing and ironing clothes, and taking care of the couple's children. At first, things went on smoothly until one day Anna Liza began to change from good to worst.⁸

In April 2008, Anna Liza started maltreating Bonita whenever she got dissatisfied with the latter's work. Anna Liza slapped, kicked, and punched Bonita, banged her head, or threw things at her. She even burned Bonita's face with a hot iron because she was allegedly too slow in ironing the clothes. Anna Liza also hit Bonita in the eye with a dumbbell, as a result of which Bonita's eyesight got impaired.⁹

In June 2009, when Bonita could no longer bear Anna Liza's cruelty, she begged the latter to let her return to her family in Catanduanes. But her pleas fell on deaf ears. Since then, Bonita was no longer allowed to leave the house. She got locked either inside the comfort room, storage room under the stairs, or bedroom. Bonita explained that in 2011, the doors of the storage room and comfort room were removed, thus, she was locked in the bedroom at the second floor. Anna Liza also threatened to kill her and her family if she escaped or left the house. Reynold, on the other hand, also locked the main door of the house each time Anna Liza locked up Bonita inside one of the rooms.¹⁰

On March 29, 2012, Anna Liza dragged Bonita into the storage room because there were visitors in the house. She was kept there from 7 o'clock in the morning until 10 o'clock in the evening so that no one could see her injuries.¹¹

⁷ *Id.* at 30.

⁸ *Id.* at 307.

⁹ *Id.* at 137 and 308.

¹⁰ *Id.* at 308.

¹¹ *Id.* at 189.

Due to these circumstances, Bonita's health condition deteriorated. She lost weight, her body got bruised, and she lost her right eye vision. Because of this, Anna Liza and Reynold finally allowed her to leave.¹²

On May 23, 2012, Bonita finally got home to her family in Catanduanes. Her family was shocked when they saw how she had physically deteriorated. Bonita narrated her ordeal to them and reported the incident to the police. She also went to the hospital for treatment of her injuries.¹³

Per Medical Certificate dated October 29, 2012, Dr. Urgel, an ophthalmologist, diagnosed Bonita with "blind eyes, bilateral (both eyes)." He explained that her injury was permanent and caused by trauma in the eyes.¹⁴

On the other hand, Dr. Erfe, forensic consultant of the Public Attorney's Office (PAO), who also examined Bonita found "complete blindness, right eye, disfigurement/deformity of the head and facial areas secondary to extensive and multiple scarring secondary to injuries."¹⁵

Defense's Version

For their part, appellants Anna Liza and Reynold, Joaquin Buenaflor (Joaquin), Justo Sevilla (Justo), Raymond Marzan (Raymond), Nicole Marzan (Nicole), and Sophia Marzan (Sophia) testified, viz.:

Anna Liza and Reynold did not maltreat or detain Bonita. They in fact treated her as part of the family. She watched movies, went to the mall, ate at restaurants, and joined out-of-town trips with them. Anna Liza even took care of Bonita when the latter was bitten by an insect. Anna Liza applied ointment on the affected part of Bonita's skin. Anna Liza also treated the wound Bonita sustained when she slipped in the bathroom.¹⁶

As for their household's daily routine, by 5 o'clock in the morning, both Bonita and Anna Liza would already be preparing breakfast and snacks for the children. By 7 o'clock in the morning, Reynold would take the children to school and return home to have breakfast with Anna Liza. Reynold and Anna Liza would then leave together to go to their bike shop. Sometimes they would take Bonita with them but most of the time she was left in the house to do household chores. Around 4 o'clock in the

¹² *Id.* at 308-309.

¹³ *Id.* at 309.

¹⁴ *Id.* at 145-146.

¹⁵ *Id.* at 146-147.

¹⁶ *Id.* at 34.

afternoon, Anna Liza would fetch the children from school and go home. Bonita, who had her own set of keys, would open the door for them.¹⁷

Joaquin, a bicycle mechanic from Anna Liza and Reynold's shop, testified that he often saw Bonita because she helped around the shop. It was also Bonita who received the receipts he would drop off at the residence of Anna Liza and Reynold. Bonita even asked him to wire transfer her salary to her family through LBC. He also said that it was Anna Liza who handed him Bonita's salary and the latter was always with Anna Liza whenever he saw her.¹⁸

Justo also testified that since he and the couple Anna Liza and Reynold were neighbors, he often saw Bonita doing chores during the day.¹⁹

The Trial Court's Ruling

By Decision²⁰ dated July 14, 2017, the trial court rendered a verdict of conviction, *viz.*:

WHEREFORE, Above premises considered, Accused ANNA LIZA CATAHAN y TARROSA alias Annaliza T. Catahan is found GUILTY of SERIOUS ILLEGAL DETENTION and is hereby sentenced to RECLUSION PERPETUA.

Accused REYNOLD MARZAN y TAN alias Reynold Tan Wong, is found GUILTY as an ACCOMPLICE to the crime of Serious Illegal Detention and is hereby sentenced to suffer imprisonment of **eight (8) years and one (1) day of Prision Mayor Medium, as Minimum to fourteen (14) years and four (4) months and one (1) day of Reclusion Temporal Medium, as Maximum.**

Applying by analogy the case of *People v. Jugueta*, the accused are ordered to pay BONITA BARAN the following:

- a. Moral Damages - Php50,000.00
- b. Exemplary Damages - Php50,000.00

SO ORDERED.²¹

The trial court gave full credence to Bonita's testimony positively identifying Anna Liza as the person who detained her on different occasions between June 2009 and May 2012. Reynold, on the other hand, tolerated the acts of his wife and even locked the main door of the house whenever

¹⁷ *Id.* at 34-35.

¹⁸ *Id.* at 32-33.

¹⁹ *Id.* at 33-34.

²⁰ *Id.* at 184-203.

²¹ *Id.* at 203.

Bonita was locked up in one of the rooms. Bonita gave a detailed description of the rooms she got locked up in and the circumstances of each detention she suffered.²²

Bonita's injuries corroborated her testimony that for many years, she had suffered in silence appellants' repeated abuses. For she was so scared that Anna Liza would make good her threat to harm her and her family. Bonita may have been left alone in the house many times, but with her locked up in one of the rooms, with the main door of the house being locked too, there was no way for escape.²³

The testimonies of Joaquin and Justo cannot be given weight, considering that they only saw Bonita from afar and they had no personal knowledge of the things taking place inside the couple's house. The same was true for the testimonies of their children: Nicole, Raymond, and Sophia. As children of the accused, they would naturally want to see their parents free. Too, in the absence of any independent evidence to corroborate the testimonies of these witnesses, the same were devoid of credence.²⁴

The Proceedings Before the Court of Appeals

On appeal, appellants faulted the trial court for finding them guilty of serious illegal detention despite the prosecution's alleged failure to prove the elements of the crime and notwithstanding the improbabilities/inconsistencies in Bonita's testimonies, thus:

- 1) Bonita said that her detention started in June 2009. She remembered it because it was her birthday. But, she also stated that her birthday was March 27, 1991.
- 2) She said she got detained until March 2012, yet the doors of the storage room and comfort room where she was allegedly kept were removed in 2011. How could she be detained when there were no doors on these rooms?
- 3) She claimed her head was banged against the overhead kitchen cabinet which got damaged as a result. The overhead kitchen cabinet was about six (6) feet above the ground and Bonita's height was only five (5) feet. It was impossible for Anna Liza to bang Bonita's head against the cabinet if her head could not even reach the same.
- 4) She was allegedly not allowed to roam around the house and yet she said she did the household chores around the house.

²² *Id.* at 200.

²³ *Id.* at 200-201.

²⁴ *Id.* at 194-197.

- 5) She accused Reynold of locking her up in the rooms when supposedly it was only Anna Liza who maltreated and detained her.
- 6) The testimonies of the other prosecution witnesses tended to prove that Bonita suffered injuries. *Non sequitur*. Serious illegal detention does not require physical injuries as an element.

Appellants also insisted that Bonita could not have been detained because the locks of the main door can be opened from inside; she had her own set of keys; the houses in the area were close such that the neighbors would have heard her call for help; and she was left alone in the house most of the time. These circumstances show that Bonita had every opportunity to leave had she wanted to. But she did not.

For its part, the People, through the Office of the Solicitor General (OSG), countered:

Bonita categorically testified that between June 2009 and May 2012, Anna Liza detained her inside the storage room, comfort room, or one of the bedrooms whenever she got angry at her or whenever they had visitors at home. Reynold would lock the main door whenever Bonita was locked up inside any of these rooms. Anna Liza and Reynold's bare denials pale in comparison to Bonita's positive and categorical testimony.²⁵

As for the alleged inconsistencies in Bonita's testimony on whether the rooms where she got detained had doors, the exact dates when she got detained, and the supposed improbability of her head being banged against the overhead kitchen cabinet although she was only five (5) feet tall, these were minor and trivial matters that did not detract from Anna Liza and Reynold's culpability for serious illegal detention.²⁶

Besides, the trial court's evaluation of the credibility of Bonita's testimony deserves respect and should not be disturbed in the absence of proof that it overlooked, misunderstood, or misapplied any material facts or circumstances that would reverse its finding of guilt.²⁷

Reynold was liable as an accomplice because he witnessed and tolerated Anna Liza's act of detaining Bonita. Thus, Reynold's presence in the *locus criminis* was not innocuous. He was there to assist Anna Liza in detaining Bonita, thus, he was an accomplice to the crime.²⁸

²⁵ *Id.* at 313.

²⁶ *Id.* at 313-315.

²⁷ *Id.* at 315.

²⁸ *Id.* at 319-320.

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The Court of Appeals' Ruling

By Decision²⁹ dated January 31, 2019, the Court of Appeals affirmed. It also denied appellants' subsequent motion for reconsideration under Resolution³⁰ dated July 29, 2019.

The Present Appeal

Appellants now seek anew a verdict of acquittal repleading their arguments before the Court of Appeals.

The Core Issue

Did the Court of Appeals err in affirming the trial court's verdict of conviction against Spouses Anna Liza and Reynold Marzan as principal and accomplice, respectively, in the serious illegal detention of Bonita Baran?

Ruling

Article 267 of the Revised Penal Code (RPC), as amended by Republic Act No. 7659 (RA 7659) defines and penalizes the crime of serious illegal detention thus:

ARTICLE. 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 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.

²⁹ *Id.* at 29-46.

³⁰ *Id.* at 48-49.

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.

To sustain a conviction for serious illegal detention, the prosecution must prove the following elements:

1. the offender is a private individual;
2. he or she kidnaps or detains another or in any other manner deprives the latter of his or her liberty;
3. the act of detention or kidnapping is illegal; and
4. in the commission of the offense, any of the following circumstances are present: (a) the kidnapping or detention lasts for more than 3 days; or (b) it is committed by simulating public authority; or (c) any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made; or (d) the person kidnapped or detained is a minor, female, or a public officer.³¹

These elements are all present here. Consider:

First, Anna Liza and Reynold are *private individuals*.

Second, Bonita was deprived of her liberty when Anna Liza on several occasions locked her up inside a room in the house of the latter and husband Reynold. Each time, Reynold also locked the main door, leaving Bonita absolutely without any way out. Bonita positively testified that her detention occurred between June 2009 and May 2012. Her every detention would start 7 o'clock in the morning and end 10 o'clock in the evening. She got locked up whenever Anna Liza was not satisfied with her work or when there were guests in the house. Bonita begged appellants to just let her go home to her family in Catanduanes, but her plea fell on deaf ears.

Appellants, however, argue that Bonita could not have been detained because the rooms where she was supposedly locked up had no doors, she had her own set of keys to the house, and she was free to roam around the house while doing her chores.

The argument must fail. *People v. Baluya*³² pronounced that *deprivation* under Article 267 of the RPC means not only imprisonment, but

³¹ *People v. Santos*, G.R. No. 229658, August 28, 2019.

³² 664 Phil. 140, 150 (2011).

also the deprivation of a person's liberty in whatever form and for whatever length of time. It involves a situation where the victim cannot go out of the place of confinement or detention or is restricted or impeded in his/her liberty to move.

Here, even assuming that Bonita can move around the house to do her assigned chores, her movements were, nonetheless, restricted. And even on occasions when Bonita was seen in public, she was never alone. Anna Liza was always with her. As *People v. Fabro*³³ explained, Bonita may have "freedom of locomotion, but not freedom to leave at will." The multiple injuries inflicted and suffered by Bonita lend credence to her testimony that she got so scared of Anna Liza and had no choice but to just remain still and suffer her detention in silence.

In *People v. Damayo*,³⁴ the Court said that even if the victim had freedom of locomotion inside the house of the accused, he did not have the freedom to leave the same at will or escape therefrom. Verily, the Court found that the accused did deprive the victim of his liberty.

Too, in *People v. De Guzman*,³⁵ the Court deemed the victim to be under detention when he did not leave the place where appellant held him out of overwhelming fear that he might get harmed if he did not follow the dictates of the appellant.

Appellants next argue that Bonita's testimony is devoid of credence because it bears alleged inconsistencies pertaining to the exact dates of her detention and the supposed improbability for Anna Liza to have banged the head of a short female like Bonita against the high overhead kitchen cabinet.

On this score, suffice it to state that inconsistencies on immaterial details do not negate the probative value of the testimony of a witness regarding the very act of the accused. In fact, minor inconsistencies tend to strengthen the credibility of the witness because it shows that the testimony was not rehearsed.³⁶

Surely, as between Bonita's categorical testimony, on one hand, and appellants' mere denial and alibi, on the other, the former prevails. More so because Bonita was not shown to have been moved by any ill-will to falsely testify against her former employees.³⁷

Indeed, when it comes to the issue of credibility, the trial court's factual findings carry great weight and respect and, generally, the appellate

³³ 813 Phil 831, 841 (2017).

³⁴ G.R. No. 232361, September 26, 2018.

³⁵ 773 Phil. 662, 671 (2015).

³⁶ *People v. Ali*, 822 Phil. 406, 416 (2017).

³⁷ *People v. Dagsa*, 824 Phil. 704, 720 (2018).

courts will not overturn these findings. For the trial courts are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, their demeanor and behavior in court. Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, the trial court's assessment must be respected, for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and detect if they were lying. The rule finds an even more stringent application where these findings are sustained by the Court of Appeals,³⁸ as in this case.

Third and Fourth, appellants' act of detaining Bonita, their *female* house helper was *without lawful cause*.

Appellants acted in conspiracy to hold Bonita in detention against her will

There is conspiracy when two (2) or more persons come to an agreement concerning the commission of a felony and decide to commit it.³⁹ Conspiracy need not be express as it can be inferred from the acts of the accused themselves when their overt acts indicate a joint purpose and design, concerted action and community of interests.

Here, we find that Anna Liza and Reynold conspired to commit the crime of serious illegal detention. Records show that whenever Anna Liza would lock up Bonita inside any of the rooms, Reynold would also lock the main door obviously to assure Bonita could not escape. Reynold's action served to "double lock" up Bonita inside appellants' residence against her will.

Clearly, Reynold was not an innocent bystander in this case. Not only did he know about Anna Liza's repeated acts of detaining Bonita inside the rooms of their residence, he himself actively participated therein each time by also locking the main door of the house. This overt act was clearly in furtherance of conspiracy to detain Bonita against her will. *People v. Escobal*⁴⁰ defined an overt act, thus:

³⁸ *People v. Gerola*, 813 Phil. 1055, 1064 (2017).

³⁹ Article 8 of the Revised Penal Code provides:

Article. 8. *Conspiracy and proposal to commit felony*. — Conspiracy and proposal to commit felony are punishable only in the cases in which the law specially provides a penalty therefor.

A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.

There is proposal when the person who has decided to commit a felony proposes its execution to some other person or persons.

⁴⁰ 820 Phil. 92, 119 (2017).

[S]ome physical activity or deed, indicating the intention to commit a particular crime, more than a mere planning or preparation, which if carried out to its complete termination following its natural course, without being frustrated by external obstacles nor by the spontaneous desistance of the perpetrator, will logically and necessarily ripen into a concrete offense. The *raison d'être* for the law requiring a direct overt act is that, in a majority of cases, the conduct of the accused consisting merely of acts of preparation has never ceased to be equivocal; and this is necessarily so, irrespective of his declared intent. It is that quality of being equivocal that must be lacking before the act becomes one which may be said to be a commencement of the commission of the crime, or an overt act or before any fragment of the crime itself has been committed, and this is so for the reason that so long as the equivocal quality remains, no one can say with certainty what the intent of the accused is. It is necessary that the overt act should have been the ultimate step towards the consummation of the design. It is sufficient if it was the first or some subsequent step in a direct movement towards the commission of the offense after the preparations are made. The act done need not constitute the last proximate one for completion. It is necessary, however, that the attempt must have a causal relation to the intended crime. In the words of *Viada*, the overt acts must have an immediate and necessary relation to the offense.

Too, *People v. Licayan*⁴¹ ruled that by guarding the victims and preventing their escape, the accused exhibited not only their knowledge of the criminal design of their co-conspirators but also their participation in its execution.

Another. In *People v. Salvador*,⁴² the Court found conspiracy among the accused since they were indispensable in the kidnapping of the victim by purposely providing the venue to detain the latter. The same indicated that they were among those who at the outset planned, and thereafter concurred with and participated in the execution of the criminal design.

Applying *Escobal*, *Licayan*, and *Salvador*, appellants' synchronized actions before, during, and after the detention showed they acted in conspiracy with each other to attain a common objective: to detain Bonita against her will. In conspiracy, the act of one is the act of all.

The death of appellant Anna Liza

Pending resolution of this appeal, counsel for appellants informed the Court that Anna Liza has died on June 22, 2020 as evidenced by her certificate of death. Article 89 of the Revised Penal Code provides:

Art. 89. *How criminal liability is totally extinguished.* — Criminal liability is totally extinguished:

⁴¹ 415 Phil. 459, 475 (2001).

⁴² 708 Phil. 637, 692 (2013).

1. By the death of the convict, as to the personal penalties; and as to the pecuniary penalties liability therefor is extinguished only when the death of the offender occurs before final judgment[.]

x x x x

In *People v. Bayotas*, the Court laid down the rules in case the accused dies prior to final judgment, thus:

1. Death of the accused pending appeal of his conviction extinguishes his criminal liability as well as the civil liability based solely thereon. As opined by Justice Regalado, in this regard, “the death of the accused prior to final judgment terminates his criminal liability and *only* the civil liability *directly* arising from and based solely on the offense committed, *i.e.*, civil liability *ex delicto* in *sensu strictiore*.”

2. Corollarily, the claim for civil liability survives notwithstanding the death of accused, if the same may also be predicated on a source of obligation other than delict. Article 1157 of the Civil Code enumerates these other sources of obligation from which the civil liability may arise as a result of the same act or omission:

- a) Law
- b) Contracts
- c) Quasi-contracts
- d) x x x
- e) Quasi-delicts

3. Where the civil liability survives, as explained in Number 2 above, an action for recovery therefor may be pursued but only by way of filing a separate civil action and subject to Section 1, Rule 111 of the 1985 Rules on Criminal Procedure as amended. This separate civil action may be enforced either against the executor/administrator or the estate of the accused, depending on the source of obligation upon which the same is based as explained above.

4. Finally, the private offended party need not fear a forfeiture of his right to file this separate civil action by prescription, in cases where during the prosecution of the criminal action and prior to its extinction, the private-offended party instituted together therewith the civil action. In such case, the statute of limitations on the civil liability is deemed interrupted during the pendency of the criminal case, conformably with provisions of Article 1155 of the Civil Code, that should thereby avoid any apprehension on a possible privation of right by prescription.⁴³

Applying the foregoing rules, the death of Anna Liza pending appeal extinguishes her criminal liability, as well as her civil liability *ex delicto*. Consequently, the criminal case against her must be dismissed.

⁴³ G.R. No. 102007, September 2, 1994.

Penalty

Article 267 of the RPC prescribes the penalty of *reclusion perpetua* to death for serious illegal detention. Absent any aggravating or modifying circumstances, the penalty of *reclusion perpetua* is imposed on both Anna Liza and Reynold, as co-principals.

Finally, following *People v. Jugueta*,⁴⁴ the award of moral damages and exemplary damages is increased to ₱75,000.00 each. In addition, Anna Liza and Reynold are ordered to pay Bonita ₱75,000.00 civil indemnity and legal interest of six percent (6%) *per annum* from the finality of this Resolution until fully paid.

WHEREFORE, the appeal is **DISMISSED** and the assailed Decision dated January 31, 2019 and Resolution dated July 29, 2019 of the Court of Appeals in CA-G.R. CR HC No. 10132, **AFFIRMED with MODIFICATION**, thus:

- 1) The case insofar as **Anna Liza Marzan** is concerned is **DISMISSED** in view of her death; and
- 2) **Reynold Marzan** is **GUILTY** as principal in the Serious Illegal Detention of Bonita Baran, and accordingly, sentenced to *reclusion perpetua*. He is further ordered to pay Bonita Baran ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱75,000.00 as civil indemnity.

These amounts shall earn legal interest of six percent (6%) *per annum* from finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court

11 MAY 2021

2/11/21

⁴⁴ 783 Phil. 806, 849 (2016).

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HON. PRESIDING JUDGE (reg)
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(Crim. Case No. GL-Q-12-178028)

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Supreme Court, Manila

*with copy of CA Decision dated January 31, 2019 and Resolution dated July 29, 2019.

Please notify the Court of any change in your address.

GR248905. 02/10/2021 (182)URES

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