



Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

PEOPLE OF THE G.R. No. 263920
 PHILIPPINES, Plaintiff-appellee,

Present:

- versus -

CAGUIOA, J., *Chairperson*,
 INTING,
 GAERLAN,
 DIMAAMPAO, and
 SINGH,* *JJ.*

BENJAMIN OLIDAN y
 ERLANDEZ, CRISPIN
 ARANETA y PELAEZ,
 LYNFER BICODO y BAYLON,
 ROGELIO CALORING,**
 ANNABELLE OLIDAN y
 ARANETA, GODOFREDO
 NAVANES y LORENZO,*** PO1
 JOSE LONMAR ZAPATOS y
 FIEL, and PO1 ANTONIO
 CASTILLO y DOMINGO, and
 REY ALADA [at large],
 Accused;

Promulgated:

BENJAMIN OLIDAN y
 ERLANDEZ,
 Accused-appellant.

August 14, 2024
 MisDCCBatt

X-----X

* On official leave.
 ** Died pending appeal before the Court. *See People v. Caloring*, G.R. No. 250980, March 15, 2022.
 *** Died during trial but before promulgation of Decision by the RTC. *See rollo*, p. 43. Also referred to as "Lorenzo" in some pleadings.

D E C I S I O N

INTING, J.:

Before the Court is an appeal¹ assailing the Decision² dated June 7, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06209 which affirmed the Decision³ dated March 26, 2013, of Branch 225, Regional Trial Court (RTC), Quezon City in Criminal Case No. Q-05-136632 that found Benjamin Olidan y Erlandez (accused-appellant) and his co-accused Crispin Araneta y Pelaez (Araneta), Annabelle Olidan⁴ y Araneta (Annabelle), Lynfer Bicodo y Baylon (Bicodo), Rogelio Caloring (Caloring), Rey Alada (Alada), Police Officer I (PO1) Jose Lonmar Zapatos y Fiel (PO1 Zapatos), and PO1 Antonio Castillo y Domingo (PO1 Castillo), guilty beyond reasonable doubt of Kidnapping for Ransom defined under Article 267⁵ of the Revised Penal Code.

The Antecedents

The instant case stemmed from an Amended Information⁶ charging accused-appellant and his co-accused with Kidnapping for Ransom. The accusatory portion of the Amended Information states:

That on or about August 30, 2005, in [REDACTED] and within the jurisdiction of this Honorable Court, the above-named accused Crispin Araneta y Pelaez, Annabelle Oledan y Araneta, Benjamin Olidan y Erlandez, Godofredo Navanes y Lorenzo, Lynfer Bicodo y Baylon, Rogelio Caloring, Rey Alada, PO1 Jose Lonmar Zapatos y Fiel, an active member of the Philippine National Police-

¹ *Rollo*, pp. 3–4. See Notice of Appeal dated July 20, 2020.

² *Id.* at 11–26. Penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Mario V. Lopez (now member of this Court) and Tita Marilyn B. Payoyo-Villordon of the Fourteenth Division, Court of Appeals, Manila.

³ *Id.* at 31–45. Penned by Presiding Judge Cieleto R. Villacorta.

⁴ Also referred to as “Oledan” in some pleadings.

⁵ 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 five 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, 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.

⁶ *Rollo*, p. 32. See RTC Decision dated March 26, 2013.

Special Action Force (PNP-SAF), PO1 Antonio Castillo y Domingo, likewise an active member of the Philippine National Police-Aviation Security Group (PNP-ASG), and a certain alias “Henry” conspiring, confederating and mutually helping one another, with the use of firearms, did then and there wilfully, unlawfully and feloniously kidnapped AAA⁷ (11 years old), BBB (11 years old), CCC (9 years old) and Eulalia Cuevas y Madara and thereafter demanded ransom money in exchange for the release of the four kidnapped victims to the damage and prejudice of the victims who were rescued and the parents of the three children.

CONTRARY TO LAW.⁸

On November 9, 2005, accused Araneta, Godofredo Navanes y Lorenzo (Navanes), Bicodo, and Caloring entered their respective pleas of “Not Guilty” to the crime charged.⁹

Likewise, on December 1, 2005, accused-appellant and his wife, accused Annabelle, entered their pleas of “Not Guilty.” Accused PO1 Zapatos and PO1 Castillo similarly entered their pleas of “Not Guilty” to the crime charged.¹⁰

⁷ The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, “An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and For Other Purposes;” RA 9262, “An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and For Other Purposes;” Section 40 of Administrative Matter No. 04-10-11-SC, known as the “Rule on Violence against Women and Their Children,” effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); *and Amended Administrative Circular No. 83-2015 dated September 5, 2017*, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances, which provides:

.....
2. Confidentiality of the identities of the parties, records, and court proceedings is mandated by the following laws: Republic Act (R.A.) No. 7610 in cases of child abuse, exploitation, and discrimination; Article 266-A of the Revised Penal Code; R.A. No. 8505 in cases of rape and other forms of sexual abuse or assault; R.A. No. 9208 in cases of human trafficking; R.A. No. 9262 in cases of violence against women and their children; and R.A. No. 9344 as amended by Republic Act 10630, in cases involving children at risk and those in conflict with the law; Republic Act No. 9775 in cases of child pornography; Republic Act No. 10175 and; Republic Act No. 10364, an act to institute Policies to Eliminate Trafficking in Persons especially Women and Children, etc.

3. *This Protocol shall also apply to cases where the confidentiality of the identities of the parties, records, and court proceedings is mandated by laws or rules not expressly mentioned herein and by similar laws or rules to be enacted in the future.* (Emphasis supplied)

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

Accused Alada was never arrested and remains at-large up to the present date.

During the pre-trial on March 9, 2006, the defense admitted the identities of all the accused, the territorial jurisdiction of the RTC, and the minority of three of the private complainants, namely: AAA, BBB, and CCC (collectively, the ABC children). The parties also stipulated that AAA and BBB were only 11 years old, and CCC was only 9 years old at the time of the incident.¹¹

Accused PO1 Zapatos and PO1 Castillo confirmed that they were active members of the Philippine National Police (PNP) at the time of the incident.¹²

Trial ensued.

Version of the Prosecution

On August 30, 2005, at around 6:00 a.m., the ABC children, together with their nanny, Eulalia Cuevas (Eulalia), and their family driver, Raymund Neflas (Raymund), were on their way to school aboard a Ford Escape.¹³

Before they could reach the guardhouse of [REDACTED], three men in police uniform flagged them down.¹⁴ When their vehicle stopped, the men instructed Raymund to get out of the car. As soon as Raymund alighted, the men boarded the vehicle: one man sat in the driver's seat, another on the front passenger side, and the third one occupied the car's back seat where the ABC children and Eulalia were seated. Then, the man driving the vehicle sped up towards a direction unknown to the children and Eulalia. Raymund was left behind. He then ran back to the ABC residence and reported the incident to Spouses ABC, parents of the ABC children.¹⁵

Inside the vehicle, Eulalia pleaded to the men that if they wanted the car, they should just allow her to bring the children to school via

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 13.

¹⁴ *Id.*

¹⁵ *Id.* at 35. *See* RTC Decision dated March 26, 2013.

taxi. However, one of the men retorted by saying: “*kayo nga kailangan namin.*” Then, all the children started to cry.¹⁶

While they were still on the road, Raymund’s cellphone, which was left in the car, started ringing. The man beside CCC answered the phone. Upon seeing that it was DDD, the mother of the ABC children, the man told DDD: “*Nasa amin ang mga anak nyo huwag na huwag kayong magsumbong sa pulis kungdi papatayin namin sila.*” The ABC children also heard the man telling their mother to stop crying and just pay the amount that they were demanding.¹⁷

After 30 minutes, the armed men transferred the ABC children and Eulalia to a maroon Nissan Urvan van. Inside the Nissan Urvan, another group of men were waiting for them. The three men, who initially took the victims, likewise boarded the same van.¹⁸ Then, the men blindfolded the victims.¹⁹

After some time, the van stopped. The armed men dragged the victims out of the vehicle and brought them into a room with a particularly foul odor. Later, the victims found that they were crammed into an old bathroom.²⁰

While the victims were kept inside the room, unknown individuals occasionally came to visit them and gave them water and crackers.²¹ The victims identified these individuals as accused-appellant, accused Annabelle, and Araneta.²²

Meanwhile, on the same day, at around 8:30 a.m., the father of the ABC children reported the kidnapping incident to the Philippine National Police Anti-Crime and Emergency Response Unit (PNP-PACER).²³

¹⁶ *Id.* at 13.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 14.

²¹ *Id.*

²² *Id.* at 33.

²³ *Id.* at 14.

On August 31, 2005, members of PNP-PACER received information from a concerned citizen about suspicious individuals at No. 2 Peñafrancia St., Payatas, Quezon City. Thus, two teams were dispatched therein.²⁴

At the reported address, the investigators of the first team saw suspicious individuals, a maroon Nissan Urvan without a plate number, and a store selling purified water.²⁵ The second team followed the Nissan Urvan when it left the area.²⁶

Then, PO1 Hector Caubat (PO1 Caubat), an investigator at PNP-PACER, went to the store, conducted a surveillance operation, and pretended to be a customer buying a gallon of water. While talking to the woman tending the store, he saw three blindfolded children in school uniforms. Upon seeing that the children fit the description of the ABC children, he immediately reported the findings to his team leader. Consequently, the PNP-PACER conducted a rescue operation and successfully rescued the victims.²⁷ The first team proceeded to arrest the three (3) suspects (accused-appellant, accused Annabelle, and accused Araneta) present inside the house where the victims were kept.²⁸

PO1 Marceliano Desamito (PO1 Desamito), together with the second team of PNP-PACER, followed the maroon Nissan Urvan until they reached SM Bicutan. When the second team received a call from a member of the first team regarding the successful rescue operation of the victims and the go signal from their team leader to arrest the occupants of the Nissan Urvan, they flagged down the Nissan Urvan and arrested the three suspects — accused Navanes, PO1 Castillo, and Bicodo. However, one of the occupants (later identified as accused Alada) of the van escaped from the scene.²⁹

After the successful rescue operation, Eulalia revealed to the members of PNP-PACER that she saw accused Caloring, the former driver of the Spouses ABC, as one of the kidnappers. She likewise identified accused PO1 Castillo as the person who took the driver's seat of the Ford

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 37.

²⁷ *Id.* at 14–15.

²⁸ *Id.* at 15.

²⁹ *Id.* at 37.

Escape and accused PO1 Zapatos as the one who sat at the backseat with the victims.³⁰

Upon follow-up operation, the PNP-PACER arrested accused Caloring. Accused PO1 Zapatos surrendered to PNP-PACER. Together with accused PO1 Castillo and assisted by Atty. Manuel Go (Atty. Go), they executed an extra-judicial confession after being informed of their constitutional rights.³¹ PO1 Castillo and PO1 Zapatos pointed to Caloring as the person who proposed the kidnapping of the ABC children. They confessed the details of the kidnapping plan and pointed to all the accused as participants in kidnapping the victims.³²

During trial, CCC identified accused-appellant, accused Annabelle, and accused Araneta, as the individuals present at and caretakers of the house where they were kept. He testified that they were the ones who gave them food and water. He also identified PO1 Castillo as the person who drove the maroon Nissan Urvan and accused Caloring, Navanes, Bicodo, and PO1 Zapatos as among the kidnapers who flagged down the Ford Escape.³³

BBB corroborated CCC's testimony. He identified the following: accused-appellant, accused Annabelle, Navanes, and Araneta as the persons and caretakers he saw at the safe house; accused PO1 Castillo as the one who drove their car; and PO1 Zapatos as the person who sat at the backseat with them.³⁴

Eulalia, the children's nanny, corroborated the statements of CCC and BBB.³⁵

The last prosecution witness was DDD, the mother of the ABC children. She testified that during the kidnapping incident, the kidnapers demanded PHP 50,000,000.00 in exchange for her children's freedom.³⁶ They warned her that if she could not give the money within two days, they would kill her children. After some time, when the kidnapers called again, she informed them that she only managed to come up with

³⁰ *Id.* at 34–35.

³¹ *Id.* at 38.

³² *Id.* at 43.

³³ *Id.* at 33–34.

³⁴ *Id.* at 34.

³⁵ *Id.*

³⁶ *Id.* at 37.

PHP 1,015,000.00. The kidnapers got furious and gave her three hours to produce the amount they were asking for; otherwise, they would send her the heads of her children.³⁷ However, before the three-hour limit was over, the members of PNP-PACER informed DDD of the successful rescue operation of the victims. She and her husband immediately went to the PNP-PACER office and took their children.³⁸

Version of the Defense

Accused Araneta testified that on the date of the alleged incident, he went to visit his sister, accused Annabelle, in Payatas, Quezon City. Upon arrival there, he rested in a bed. Then, he went to the comfort room to freshen up.³⁹ When he was about to return to bed, a member of the Special Weapons And Tactics (SWAT) appeared in front of him. Several men suddenly grabbed him and asked him if he participated in a kidnapping case. The police officers beat him up and took him to Camp Crame together with accused-appellant and accused Annabelle.⁴⁰

Accused Caloring likewise denied any involvement in the kidnapping incident. He testified that while he was in Litex aboard a bus, persons in civilian clothes arrested him without any warrant. On cross-examination, he admitted that he was previously employed by Mr. EEE, the ABC children's father, as a company driver and that he resigned on the first week of August 2005.⁴¹

Accused PO1 Zapatos testified that on September 1, 2005, he reported for duty. In the office, Col. Randy Arceo informed him that he was implicated in a kidnapping case.⁴² Thereafter, he went to the PNP-PACER Office at Camp Crame where the police forced him to sign a document.⁴³

Accused-appellant testified that he was a carpenter and a caretaker of a house at No. 2 Peñafrancia, Payatas, Quezon City since December 2004. On August 31, 2005, police officers suddenly arrested him and his wife, accused Annabelle. The police linked them to a kidnapping

³⁷ *Id.* at 37–38.

³⁸ *Id.* at 38.

³⁹ *Id.* at 39.

⁴⁰ *Id.*

⁴¹ *Id.* at 39.

⁴² *Id.* at 39–40.

⁴³ *Id.* at 40.

incident.⁴⁴ The police brought them to a car and blindfolded them. Thereafter, the police brought them to the PNP-PACER Office at Camp Crame where he was interrogated about a kidnapping incident.⁴⁵

During trial and before the RTC issued a Decision, accused Navanes died.⁴⁶ Thus, the RTC ruled that the criminal and civil liability of accused Navanes had been extinguished by his death after arraignment and prior to the promulgation of judgment.⁴⁷

The Ruling of the RTC

In a Decision⁴⁸ dated March 26, 2013, the RTC found accused-appellant and his co-accused Annabelle, Araneta, Bicodo, Caloring, Alada, PO1 Zapatos and PO1 Castillo guilty as charged. The dispositive portion of the Decision provides:

WHEREFORE, accused Crispin Araneta y Pelaez, Annabelle Olidan y Araneta, Benjamin Olidan y Erlandez, Lynfer Bicodo y Baylon, Rogelio Caloring, Rey Alada, PO1 Jose Lonmar Zapatos y Fiel and PO1 Antonio Castillo y Domingo are all **found guilty beyond reasonable doubt of Kidnapping for Ransom** as defined under Art. 267, of *The Revised Penal Code*. Each of them is **sentenced** to suffer imprisonment with the duration of *reclusion perpetua*. All the accused are **ordered to pay solidarily** AAA, BBB, CCC and the Sps. ABC [PHP] 30,000.00 each as moral damages, and [PHP] 30,000.00 each as exemplary damages, plus legal interest of 6% per annum on total of these amounts reckoned from the finality of this *Decision* until it becomes final and executory, and thereafter, 12% legal interest per annum on the total amount until fully paid, and the costs of suit.

SO ORDERED.⁴⁹ (Emphasis in the original)

The RTC ruled that the prosecution was able to prove beyond reasonable doubt all the elements of Kidnapping for Ransom. According to the RTC, the kidnappers intentionally took and deprived the victims of their liberty to extort PHP 50,000,000.00 from Spouses ABC.⁵⁰ It found

⁴⁴ *Id.* 16.

⁴⁵ *Id.*

⁴⁶ *Id.* at 43.

⁴⁷ *Id.*

⁴⁸ *Id.* at 31-45.

⁴⁹ *Id.* at 44.

⁵⁰ *Id.* at 41.

that all the accused conspired to commit the crime. Likewise, the RTC gave weight and credit to the testimony of the prosecution witnesses.⁵¹

Accused-appellant and his co-accused Annabelle, Araneta, Bicodo, Caloring, and PO1 Zapatos filed an appeal before the CA.⁵² PO1 Castillo failed to file an appeal before the appellate court.

In the meantime, the CA issued Resolutions dated February 25, 2015, and July 31, 2015, which dismissed the respective appeals of accused Araneta and Annabelle.⁵³ Also, it issued Resolution dated February 15, 2017, which stated that accused Bicodo had already withdrawn her appeal.⁵⁴

Thus, the remaining appellants before the CA were accused-appellant, his co-accused Caloring, and PO1 Zapatos.⁵⁵

The Ruling of the CA

In the assailed Decision⁵⁶ dated June 7, 2019, the CA affirmed with modifications the RTC Decision. It ruled that each of the private complainants including Spouses ABC should be awarded moral damages, exemplary damages, and civil indemnity in the amount of PHP 100,000.00 each. The CA disposed of the case as follows:

WHEREFORE, premises considered, the *Appeal* is **DENIED**. The appealed *Decision* dated March 26, 2013 of the RTC, Branch 225 of Quezon City in Criminal Case No. Q-05-136632 is **AFFIRMED** with **MODIFICATIONS**. As thus modified, accused-appellants Rogelio Caloring, Benjamin Olidan y Erlandez, and PO1 Lonmar Zapatos are found **GUILTY** beyond reasonable doubt of the crime of Kidnapping for Ransom, and sentenced to suffer the penalty of *reclusion perpetua*. They are likewise ordered to pay solidarily the victims AAA, BBB, CCC, Eulalia Cuevas y Madara and spouses [ABC] the following: (a) [PHP] 100,000.00 each as civil indemnity; (b) [PHP] 100,000.00 each as moral damages; (c) [PHP] 100,000.00 as exemplary damages; and (d) interest of six percent (6%) *per annum* on all damages awarded from the date of finality of this judgment until fully paid.

⁵¹ *Id.* at 41–42.

⁵² *Id.* at 17.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.* at 11–26.

SO ORDERED.⁵⁷ (Emphasis in the original]

The CA affirmed the conviction of accused-appellant and his co-accused Caloring and PO1 Zapatos. It ruled that all elements of Kidnapping for Ransom were sufficiently established by the prosecution. It likewise upheld the RTC findings of conspiracy among the accused. According to the CA, the collective, concerted, and synchronized acts of the accused before, during, and after the kidnapping constitute proof that all appellants conspired with each other to attain a common objective, i.e., to kidnap the ABC children and Eulalia.⁵⁸ It also upheld the validity of the extrajudicial confessions executed by accused PO1 Zapatos and PO1 Castillo. It ratiocinated that the extrajudicial confessions were voluntarily given with the assistance of their counsel, Atty. Go, after accused PO1 Zapatos and PO1 Castillo were informed of their constitutional rights. The extrajudicial confessions, therefore, passed the test of credibility.⁵⁹

On November 22, 2020, the CA issued a Partial Entry of Judgment⁶⁰ as to accused PO1 Zapatos.

Aggrieved, accused-appellant filed the instant appeal.⁶¹

The People, through the Office of the Solicitor General (OSG), manifested that it would no longer be filing a Supplemental Brief considering that in its Appellee's Brief dated June 7, 2016 filed before the CA, it already substantially and exhaustively refuted accused-appellant's arguments.⁶²

Accused-appellant filed a Supplemental Brief dated August 27, 2023, and argued that the CA erred in sustaining his conviction despite the absence of evidence as to his direct participation in the commission of the crime.⁶³

⁵⁷ *Id.* at 25-26.

⁵⁸ *Id.* at 22.

⁵⁹ *Id.* at 22-24.

⁶⁰ *Id.* at 85.

⁶¹ *Id.* at 3-4.

⁶² *Id.* at 51-53. *See* Manifestation (IN LIEU OF SUPPLEMENTAL BRIEF), dated July 6, 2023.

⁶³ *Id.* at 71-83. *See* Supplemental Brief for Appellant Benjamin Olidan dated August 27, 2023.

The Issue

The issue to be resolved in the present case is whether accused-appellant is guilty beyond reasonable doubt of Kidnapping for Ransom.

The Ruling of the Court

The appeal is unmeritorious.

At the outset, it must be emphasized that the Court gives high respect to the trial court's evaluation of the testimony of a witness because it has the best opportunity to observe the demeanor of the witness to determine if there is indeed truth to his or her testimony in the witness stand.⁶⁴ Considering that the trial judge is in the best position to determine the truthfulness of witnesses, the judge's evaluation of the witnesses' testimonies is given the highest respect.⁶⁵

After a judicious scrutiny of the records, the Court finds no reason to deviate from the uniform *factual* findings of the RTC and the CA as there is no indication that they overlooked, misunderstood, or misapplied the surrounding facts and circumstances regarding the kidnapping incident. It is settled that findings of the RTC which are factual in nature, and which involve the credibility of witnesses are accorded with respect, if not finality, by the appellate court when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.⁶⁶

However, the Court modifies the following ruling of the CA: (1) that accused-appellant is liable for only one count of Kidnapping for Ransom; and (2) that Spouses ABC are also entitled to damages.

Article 267 of the Revised Penal Code, as amended, defines, and prescribes the penalty for the crime of Kidnapping for Ransom, thus:

⁶⁴ See *People v. Catig*, 872 Phil. 964, 973 (2020).

⁶⁵ *People v. Nocado*, 874 Phil. 653, 669–670 (2020), citing *People v. XXX*, 859 Phil. 696, 705 (2019).

⁶⁶ *Gumawid v. People*, G.R. No. 248311, March 23, 2022, citing *Estrella v. People*, Phil. 374, 384 (2020), *People v. Aspa, Jr.*, 838 Phil. 302, 311–312 (2018), and further citing *People v. De Guzman*, 564 Phil. 282, 290 (2007).

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.

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. (Emphasis supplied)

In prosecuting a case of Kidnapping for Ransom, the following elements must be established: (1) the accused was a private person; (2) he or she kidnapped or detained, or in any manner deprived another of his or her liberty; (3) the kidnapping or detention was illegal; and (4) the victim was kidnapped or detained for ransom.⁶⁷

In *People v. Jatulan*,⁶⁸ the Court discussed the definition of ransom as an element of the crime of Kidnapping for Ransom, thus:

[R]ansom means money, price or consideration paid or demanded for the redemption of a captured person that would release him from captivity. No specific form of ransom is required to consummate the felony of kidnapping for ransom as long as the ransom was intended as a bargaining chip in exchange for the victim's freedom. Whether or not the ransom is actually paid to or received by the perpetrator is of no moment.⁶⁹

⁶⁷ *People v. Parba-Rural, et al.*, 834 Phil. 668, 674 (2018), citing *People v. Gregorio*, 786 Phil. 565, 583 (2016) and further citing *People v. Lugnasin*, 781 Phil. 701, 710 (2016).

⁶⁸ 550 Phil. 342 (2007).

⁶⁹ *Id.* at 356.

The essence of illegal detention is the deprivation of the victim's liberty such that the prosecution must prove actual confinement or restriction of the victim, and that such deprivation was the appellant's intention.⁷⁰ Also, if the victim is kidnapped and illegally detained to extort ransom, the duration of his detention is immaterial.⁷¹ It is settled that the curtailment of the victim's liberty need not involve any physical restraint upon the latter's person and it is not necessary that the offender kept the victim in an enclosure or treated him harshly.⁷²

In the case, the prosecution established beyond reasonable doubt the existence of all elements of Kidnapping for Ransom. Accused-appellant and his co-accused are private persons. Even if PO1 Zapatos and PO1 Castillo were members of the PNP during the incident, they were acting in their private capacities when they kidnapped the victims.

The ABC children as well as Eulalia, categorically narrated how they were kidnapped and deprived of their liberty from the time the men boarded the Ford Escape until they were transferred to a Nissan Urvan van and eventually ended up in a safe house which was later discovered to be a water refilling station. Moreover, the victims identified all the persons involved in the kidnapping and the caretakers of the safehouse.

The victims' testimonies were consistent with each other and were corroborated by the statements of Raymund and DDD. Raymund, the family driver, testified as to the circumstances where the armed kidnappers flagged down their car and forcibly boarded it. DDD, on the other hand, testified as to the fact that the kidnappers informed her that her children, including their nanny, were with them and immediately demanded ransom money in the amount of PHP 50,000,000.00, in exchange for her children's freedom. The kidnappers threatened her that if she could not give the money within two days, they would kill her children. Later, she informed them that she only managed to come up with PHP 1,015,000.00. The kidnappers got furious and gave her three hours to produce the amount; otherwise, they would send her the heads of her children. Fortunately for the ABC family, the agents of PNP-PACER successfully rescued the victims from the hands of the kidnappers before the three-hour period expired and eventually arrested all the kidnappers except accused Alada.

⁷⁰ See *People v. Carreon*, 868 Phil. 657, 610–671 (2020).

⁷¹ See *People v. Damayo*, 640 Phil. 676, 690 (2018), citing *People v. Pagalasan*, 452 Phil. 341, 362 (2003).

⁷² *Id.* at 690–691, citing *People v. Fabro*, 813 Phil. 831, 840 (2017).

At this point, the Court discards accused-appellant's argument that there is no evidence regarding his participation in the kidnapping case. Records disclose that the victims identified accused-appellant as one of the caretakers of the safe house. Simply stated, his participation was necessary for the successful execution of the Kidnapping for Ransom.

Moreover, the prosecution was able to establish beyond reasonable doubt the conspiracy between accused-appellant and his co-accused. The Revised Penal Code provides that conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.⁷³

In *People v. Lababo*,⁷⁴ the Court reiterated the principles in determining whether a conspiracy exists, thus:

There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Conspiracy is not presumed. Like the physical acts constituting the crime itself, the elements of conspiracy must be proven beyond reasonable doubt. *While conspiracy need not be established by direct evidence, for it may be inferred from the conduct of the accused before, during and after the commission of the crime, all taken together, however, the evidence must be strong enough to show the community of criminal design.* For conspiracy to exist, it is essential that there must be a conscious design to commit an offense. Conspiracy is the product of intentionality on the part of the cohorts.

*It is necessary that a conspirator should have performed some overt act as a direct or indirect contribution to the execution of the crime committed. The overt act may consist of active participation in the actual commission of the crime itself, or it may consist of moral assistance to his [co-conspirators] by being present at the commission of the crime or by exerting moral ascendancy over the other [co-conspirators].*⁷⁵ (Emphasis supplied)

⁷³ REV. PEN. CODE, art. 8 states:

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.

⁷⁴ 832 Phil. 1056 (2018).

⁷⁵ *Id.* at 1075, citing *Bahilidad v. People*, 629 Phil. 567, 575 (2010).

Conspiracy may be proven by evidence of a chain of circumstances. It may be inferred from the acts of the accused before, during, and after the commission of the crime which indubitably points to and is indicative of a joint purpose, concert of action, and community of interest.⁷⁶

In conspiracy, an accused need not participate in all the details of the execution of the crime. As long as he or she helped and cooperated in the consummation of a felony, then he or she is liable as a co-principal.⁷⁷ In *De Lima v. Guerrero*,⁷⁸ the Court *en banc* emphasized:

*[As] this Court elucidated, it is not indispensable for a co-conspirator to take a direct part in every act of the crime. A conspirator need not even know of all the parts which the others have to perform, as conspiracy is the common design to commit a felony; it is not participation in all the details of the execution of the crime. As long as the accused, in one way or another, helped and cooperated in the consummation of a felony, she is liable as a co-principal[.]*⁷⁹ (Emphasis in the original)

Also, in *People v. Solar*,⁸⁰ the Court *en banc* discussed:

Once an express or implied conspiracy is proved, all of the conspirators are liable as co-principals regardless of the extent and character of their respective active participation in the commission of the crime or crimes perpetrated in furtherance of the conspiracy because in contemplation of the law the act of one is the act of all[.]⁸¹

Here, the RTC correctly found conspiracy between accused-appellant and his co-accused. Accused-appellant's role as one of the caretakers of the safe house is an overt act which directly contributed to the crime of Kidnapping for Ransom. Without accused-appellant guarding the safe house and preventing the victims from escaping, his co-accused would not have the luxury of time to demand ransom from Spouses ABC. To be sure, accused-appellant's co-accused needed accused-appellant's participation to successfully detain the victims as they wait for the ransom money. In other words, his conduct and role as a caretaker of the safe house is sufficient evidence showing a community of design between him

⁷⁶ *People v. Amago*, 868 Phil. 634, 656 (2020), citing *People v. Peralta*, 435 Phil. 743, 764 (2002).

⁷⁷ *De Lima v. Guerrero*, 819 Phil. 616 (2017).

⁷⁸ *Id.*

⁷⁹ *Id.* at 708.

⁸⁰ 858 Phil. 884 (2019).

⁸¹ *Id.* at 914, citing *People v. Peralta*, 134 Phil. 703, 718 (1968).

and his co-accused. His active participation is, under the circumstances, necessary for the consummation of the Kidnapping and the demand for ransom money.

The Court stresses that it is inconsequential that accused-appellant was not present at the outset of the kidnapping operation or at the place where the victims' vehicle was flagged down. His actual cooperation in guarding the safe house pointed to a joint purpose and common design with his co-accused in kidnapping the victims and demanding ransom money. Simply stated, accused-appellant's conduct shows that he acted in a concerted effort with his co-accused and was united in intent and purpose of executing Kidnapping for Ransom. This was established by the victims' testimony pointing to accused-appellant as one of the caretakers of the safe house who guarded it. Considering that the prosecution established conspiracy between accused-appellant and his co-accused, accused-appellant is therefore considered a co-principal in the commission of Kidnapping for Ransom in accordance with Article 17⁸² of the Revised Penal Code.

All in all, the private complainants' identification of accused-appellant and his co-accused as the perpetrators of the crime; their statements as to the details on how the kidnappers executed the crime; and the testimonies of DDD, Raymund, PO1 Caubat, and PO1 Desamito, are sufficient evidence of the guilt of accused-appellant and his co-accused. Thus, there is no doubt that accused-appellant is guilty of Kidnapping for Ransom.

Likewise, the Court finds that the accused-appellant should be held liable for four counts of Kidnapping for Ransom considering that there are four victims involved in this case.

The rule is that there should be only one offense charged in one 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.⁸³

⁸² ARTICLE 17. *Principals*. — The following are considered principals:

1. Those who take a direct part in the execution of the act;
2. Those who directly force or induce others to commit it;
3. Those who cooperate in the commission of the offense by another act without which it would not have been accomplished.

⁸³ *People v. Caloring*, G.R. No. 250980, March 15, 2022.

Rule 110, Section 13 of the Revised Rules of Criminal Procedure, states:

SECTION 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.* (Emphasis supplied)

In *People v. Caloring*,⁸⁴ a case intimately related to the present controversy, the Court ruled that “considering that there are four victims, four Informations for Kidnapping for Ransom should have been filed against all the accused. Yet, a perusal of the records would show that none of the accused, including accused-appellant, objected to the defect in the Amended Information; instead, all of the accused entered pleas of not guilty during their arraignment, except for one who was not arraigned as yet. Thus, the defect was deemed waived, and all of the accused could be convicted of four counts of Kidnapping for Ransom were it not for specific circumstances which prevented the Court from finding them guilty of four counts of the offense charged.”⁸⁵ In *Caloring*, the Court, citing *People v. Jugueta*,⁸⁶ discussed:

As a general rule, a complaint or information must charge only one offense, otherwise, the same is defective. The reason for the rule is stated in *People of the Philippines and AAA v. Court of Appeals, 21st Division, Mindanao Station, et al.*, thus:

The rationale behind this rule prohibiting duplicitous complaints or informations is to give the accused the necessary knowledge of the charge against him and enable him to sufficiently prepare for his defense. The State should not heap upon the accused two or more charges which might confuse him in his defense. Non-compliance with this rule is a ground for quashing the duplicitous complaint or information under Rule 117 of the Rules on Criminal Procedure and the accused may raise the same in a motion to quash before he enters his plea, otherwise, the defect is deemed waived.

However, since appellant entered a plea of not guilty during arraignment and failed to move for the quashal of the Informations, he is deemed to have waived his right to question the same. Section 9 of

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ 783 Phil. 806 (2016).

Rule 117 provides that “[t]he failure of the accused to assert any ground of a motion to quash before he pleads to the complaint or information, either because he did not file a motion to quash or failed to allege the same in said motion, shall be deemed a waiver of any objections except those based on the grounds provided for in paragraphs (a), (b), (g), and (i) of Section 3 of this Rule.”

It is also well-settled that when two or more offenses are charged in a single complaint or information but 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 upon him the proper penalty for each offense[.]⁸⁷ (Emphasis in the original)

Recently, in *People v. Dela Cruz*,⁸⁸ the Court *en banc* reiterated the ruling in *Caloring*. In *Dela Cruz*, there was only one information filed against therein accused-appellants for the kidnapping of spouses Jason and Elisa Huang to extort ransom. Clearly, there was duplicity of the crimes. However, none of the accused-appellants objected to the infirmity by filing a motion to quash before the arraignment. Hence, the Court ruled therein that they were deemed to have waived the defect.⁸⁹

The rulings in *Dela Cruz* and *Caloring* are applicable here. Considering that there are four victims, the Prosecutor should have filed four Informations for Kidnapping for Ransom against accused-appellant and his co-accused. However, only one Information was filed against them for the kidnapping of the three ABC children and Eulalia. Thus, the Amended Information in Criminal Case No. Q-05-136632 is defective. Still, a perusal of the records shows that accused-appellant or any of his co-accused did *not* object to it and they, except accused Alada, freely entered their respective pleas of “Not Guilty” during arraignment. Thus, the defect is deemed *waived* and accused-appellant and his co-accused can be convicted of four counts of Kidnapping for Ransom.

However, it must be stressed that in the instant case, only accused-appellant can be convicted of four counts of Kidnapping for Ransom considering that he is the only one who appealed the CA Decision. In *Caloring*, accused Caloring also appealed the CA Decision to this Court but he died pending appeal. Thus, the Court declared that his criminal and

⁸⁷ *People v. Caloring*, *supra* note 82, citing *People v. Jugueta*, *id.* at 822–823.

⁸⁸ G.R. No. 248456, August 16, 2022.

⁸⁹ *Id.*, citing *People v. Orias*, 636 Phil. 427, 448 (2010). See also *People v. Tabio*, 568 Phil. 144, 150 (2008).

civil liability *ex-delicto* were totally extinguished applying Article 89,⁹⁰ paragraph 1 of the Revised Penal Code.

As to all his surviving co-accused, except accused Alada, their conviction for one count of Kidnapping for Ransom under Article 267 of the Revised Penal Code had already attained *finality*. Thus, all the other accused cannot be in a worse situation with the filing of accused-appellant's appeal.⁹¹ Rule 122, Section 11(a) of the Rules of Court, as amended, provides:

SECTION 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.

As to the penalty, the Court modifies the penalty imposed by the RTC and the CA as to accused-appellant. Accused-appellant should suffer the penalty of *reclusion perpetua* without eligibility for parole for each count of Kidnapping for Ransom. Kidnapping for ransom is punishable by death under Article 267 of the Revised Penal Code.⁹² However, considering that Republic Act No. 9346⁹³ prohibits the imposition of death penalty, the accused-appellant should suffer the penalty of *reclusion perpetua* without eligibility for parole. The phrase “without eligibility for parole” is attached to qualify *reclusion perpetua* where the death penalty is warranted but is not imposed because of Republic Act No. 9346, as in this case, pursuant to A.M. No. 15-08-02-SC.⁹⁴ To stress, this

⁹⁰ ARTICLE 89. *How criminal liability is totally extinguished.* — Criminal liability is totally extinguished:

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

⁹¹ See *People v. Caloring*, *supra* note 83.

⁹² REV. PEN. CODE, art. 267 states:

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:

.....
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. (Italics supplied.)

⁹³ Titled, “An Act Prohibiting the Imposition of Death Penalty in the Philippines,” approved on June 24, 2006.

⁹⁴ Item II (2) of A.M. No. 15-08-02-SC, titled, “*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

penalty modification should *not* apply to the other surviving accused following Rule 122, Section 11(a) of the Rules of Court inasmuch as it is not favorable to them.

As regards the monetary awards, the CA correctly awarded PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages in line with existing jurisprudence.⁹⁵ These shall all earn interest in the amount of 6% per annum from the date of the finality of this Decision until fully paid.⁹⁶

However, only the kidnapped victims are entitled to damages inasmuch as they are the offended party in the crime of Kidnapping for Ransom. Accordingly, the damages awarded by the CA to Spouses ABC are deleted. The deletion of the award in favor of Spouses ABC is applicable to all surviving accused applying Rule 122, Section 11(a) of the Rules of Court considering that the deletion is favorable to them.

Considering that PO1 Castillo failed to appeal his conviction to the CA, the RTC Decision became final and executory as to him.

Likewise, the CA Decision ordering accused Anabelle, Araneta, Bicodo, and PO1 Zapatos⁹⁷ to pay each of the private complainants moral damages, exemplary damages, and civil indemnity in the amount of PHP 100,000.00 each became final and executory as to them.

WHEREFORE, the appeal is **DISMISSED**. The Decision dated June 7, 2019, of the Court of Appeals in CA-G.R. CR-HC No. 06209 is **AFFIRMED with MODIFICATIONS**.

Accused-appellant **BENJAMIN OLIDAN y ERLANDEZ** is hereby found **GUILTY** beyond reasonable doubt of four counts of Kidnapping for Ransom defined and penalized under Article 267 of the Revised Penal Code in Criminal Case No. Q-05-136632 filed before

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.

⁹⁵ *People v. Jugueta*, *supra* note 86.

⁹⁶ *Id.*

⁹⁷ As per SC CAS and CA Archives Division, PO1 Jose Lonmar Zapatos y Fiel did not appeal the CA Decision to this Court. *See also* Partial Entry of Judgment dated November 22, 2020, *CA rollo*, p. 85, and Certification May 23, 2024, issued by CA Clerk of Court, Atty. Anita S. Jamerlan-Rey, *CA rollo*, p. 84.

Branch 225, Regional Trial Court, Quezon City. He is hereby **SENTENCED** to suffer the penalty of *reclusion perpetua*, without eligibility for parole, for each count.

He is likewise **ORDERED** to **PAY**, solidarily with his co-accused, Crispin Araneta y Pelaez, Annabelle Olidan y Araneta, Lynfer Bicodo y Baylon, and PO1 Jose Lonmar Zapatos y Fiel the amounts of PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages to **EACH** of the private complainants, namely: AAA, BBB, CCC, and Eulalia Cuevas y Madara.

The total monetary awards shall bear legal interest at the rate of 6% per annum from the date of the finality of this Decision until full payment.

The award of damages to Spouses ABC is hereby **DELETED**.

SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

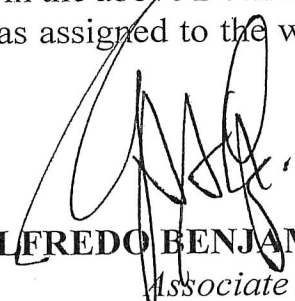


JAPAR B. DIMAAMPAO
Associate Justice

On official leave
MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION


I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

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



ALEXANDER G. GESMUNDO
Chief Justice

