



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 231884

Present:

CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
REYES, JR., JJ.

- versus -

MICHELLE PARBA-RURAL and
MAY ALMOHAN-DAZA,
Accused-Appellants.

Promulgated:

27 JUN 2018

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DECISION

PERALTA, J.:

This is to resolve the appeal of accused-appellants Michelle Parba-Rural and May Almohan-Daza (*appellants*) that seeks to reverse and set aside the Decision¹ dated October 5, 2016 of the Court of Appeals (CA) in CA-G.R. CR H.C. No. 05789, affirming the Decision² dated July 31, 2012 of the Regional Trial Court (RTC), Branch 223, Quezon City finding the same appellants guilty beyond reasonable doubt of the crime of kidnapping for ransom.

The facts follow.

Around 9 o'clock in the morning of December 28, 2007, Nenita Marquez (*Nenita*) was about to cross Commonwealth Avenue from Fairview Market to Mercury Drug Store when she was forcibly abducted by appellants

¹ Penned by Associate Justice Ma. Luisa C. Quijano-Padilla, with the concurrence of Associate Justices Rodil V. Zalameda and Samuel H. Gaerlan; *rollo*, pp. 2-15.

² Penned by Judge Tita Marilyn Payoyo-Villordon; *CA rollo*, pp. 53-62.

and boarded in a Ford Fiera van. There were six (6) of them inside the vehicle, three (3) men and three (3) women. They were inside the same vehicle for two (2) hours. The said persons repeatedly demanded from Nenita that she give them jewelry and money in exchange for her freedom. They also told her to cooperate or otherwise, they will hurt her and her family. Thereafter, they asked her to alight from the vehicle together with the appellants and the other woman companion. Nenita and the three (3) women hailed a taxi and upon boarding, the latter asked Nenita where her house was located. When they reached Nenita's house, the three (3) women reminded her not to tell anyone what was happening. Nenita and the three (3) women proceeded to the former's room wherein she took her pieces of jewelry amounting to ₱3,000,000.00. Afterwards, Nenita and the three (3) women boarded the same taxi cab and went outside the subdivision where the Ford Fiera van was parked. Nenita was then forced to give up all her pieces of jewelry to one of her captors. After the captors asked Nenita where her bank was located, the latter was brought to the Philippine National Bank (*PNB*) near the Bureau of Internal Revenue (*BIR*) in Quezon City where Nenita has a time deposit in the amount of ₱400,000.00. The appellants accompanied Nenita to the bank in order to withdraw the entire amount in the latter's time deposit. Nenita told the account officer of the bank, Mel Alvin Moreno, to immediately pre-terminate her time deposit account and release her money. While waiting for the approval of the pre-termination, Nenita saw her driver, her daughter and two (2) police officers enter the bank which prompted her to seek for help. The appellants were then arrested.

Consequently, an Information was filed against appellants charging them with the crime of kidnapping for ransom, thus:

That on or about the 28th day of December, 2007, in Quezon City, Philippines, the said accused, conspiring and confederating with other persons, whose true identities, whereabouts and other personal circumstances of which have not yet been ascertained, and mutually helping one another and for the purpose of obtaining valuable items such as jewelries in the amount of ₱3,000,000.00 Philippine Currency, from one NENITA MACALOS-MARQUEZ, did then and there willfully, unlawfully and feloniously kidnap and carry away in a motor vehicle, detained and threaten her that something will happen to her and her family if the desired said valuable items worth Php3,000,000.00 could not be given, to the damage and prejudice of the said NENITA MACALOS-MARQUEZ.

CONTRARY TO LAW.³

The prosecution presented the testimonies of Nenita, Ana, Nenita's daughter, PO3 Perez, one of the police officers who responded to Ana's report and Mel Alvin Moreno, account officer at the PNB, BIR Branch.

³

Records, pp. 1-2.

Appellants, in their testimonies, denied committing the crime charged against them. According to them, on December 28, 2007, around 9 o'clock in the morning, they were in the highway in front of the Fairview Wet Market when Nenita approached them and asked for help because she felt weak and dizzy. The appellants, taking pity on her, hailed a taxi cab for Nenita and accompanied the latter to her house in Quezon City. While inside the house, Nenita introduced the appellants to Ana, Nenita's daughter. Thereafter, Nenita told appellants to wait in the living room while she takes a rest. Afterwards, Nenita asked appellants to accompany her somewhere. They then left the house and proceeded to PNB, BIR Branch. While in the bank, the appellants sat at the waiting area, while Nenita made her transaction. Shortly, a man went inside the bank and asked Nenita what she was doing there. Later on, the same man went outside the bank and when he returned, he was accompanied by two policemen and Ana. It was then that the policemen approached the appellants and forcibly took them to the police station.

The RTC, in its Decision dated July 31, 2012, found the appellants guilty beyond reasonable doubt of the crime of kidnapping for ransom, thus:

Wherefore, premises considered, the Court finds the accused Michelle Parba-Rural and May Almohal Daza GUILTY of the crime of Kidnapping. They are sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and are ordered to pay the private complainant jointly and solidarily the amounts of two hundred thousand pesos (P200,000.00) as moral damages and one hundred thousand (P100,000.00) as exemplary damages.

SO ORDERED.⁴

According to the RTC, the prosecution was able to prove all the elements of kidnapping for ransom. Thus, appellants elevated the case to the CA.

The CA, in its Decision dated October 5, 2016, affirmed the decision of the RTC with the following dispositive portion:

WHEREFORE, in light of all the foregoing, the July 31, 2012 decision of the RTC, Branch 223, Quezon City in Criminal Case No. Q-08-150324 is AFFIRMED.

SO ORDERED.⁵

Hence, the present appeal after the appellants' motion for reconsideration had been denied by the CA.

⁴ CA rollo, pp. 6-7.

⁵ Rollo, p. 15.

In their Brief, appellants assigned the following errors:

I. THE COURT *A QUO* ERRED IN FINDING ACCUSED-APPELLANTS GUILTY OF KIDNAPPING DESPITE THE PROSECUTION'S FAILURE TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT; [AND]

II. ASSUMING *ARGUENDO* THAT ACCUSED-APPELLANTS MAY BE HELD CRIMINALLY LIABLE, THE MORAL DAMAGES AWARDED TO THE PRIVATE COMPLAINANT SHOULD BE MODIFIED TO CONFORM WITH PREVAILING JURISPRUDENCE.⁶

According to the appellants, Nenita's testimony is tainted with substantial inconsistencies and, thus, should not be given evidentiary weight and credence. They also claim that Nenita's account of the incident was incredible and grossly inconsistent with human experience.

The appeal is unmeritorious.

Under Article 267 of the Revised Penal Code, as amended by Republic Act (R.A.) No. 7659, 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.

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.

In prosecuting a case involving the crime of kidnapping for ransom, the following elements must be established: (i) the accused was a private person;

⁶ CA rollo, p. 104.



(ii) he kidnapped or detained, or in any manner deprived another of his or her liberty; (iii) the kidnapping or detention was illegal; and (iv) the victim was kidnapped or detained for ransom.⁷ Ransom means money, price or consideration paid or demanded for the redemption of a captured person that will release him from captivity.⁸ No specific form of ransom is required to consummate the felony of kidnapping for ransom as long as the ransom is intended as a bargaining chip in exchange for the victim's freedom.⁹ The amount of, and purpose for, the ransom is immaterial.¹⁰

In this case, the prosecution was able to prove beyond reasonable doubt the existence of the above-mentioned elements. In her testimony, Nenita, a private person, narrated how she was deprived of her liberty from the time she was forcibly taken by the appellants and their companions for the purpose of extorting money and jewelry from her until she relented to their demands, thus:

ATTY. LEGASPI

Q: Now, Ms. Witness, you said that you were forcibly taken inside the vehicle. Will you tell us what particular [vehicle] is this? What type of vehicle?

A: I think it was a Ford Fiera.

Q: And while inside the vehicle, what, if any, did these persons tell you?

A: They told me that I should go with them, sir.

Q: And aside from that, what else did they tell you?

A: If you are not going to come with us, something bad will happen to you.

Q: And what was your reaction?

A: I was so afraid because of the threat they gave me that they will bodily harm me.

Q: And while on board the said vehicle, where were you taken, Ms. Witness?

A: They squeezed me inside the vehicle, sir.

Q: And in what place were you taken, Ms. Witness?

A: The vehicle was going towards Regalado Street.

x x x x

Q: And at that point when the said vehicle had reached Regalado Avenue, what, if any, did these persons do to you?

A: When they were threatening me, they told me that there's only one thing that we want from you, your jewelry and your money and then we will set you free.

⁷ *People v. Gregorio, et al.*, G.R. No. 194235, June 8, 2016, 792 SCRA 469, 488, citing *People v. Lugnasin*, G.R. No. 208404, February 24, 2016, 785 SCRA 120, 131.

⁸ *People v. Jatulan*, 550 Phil. 342, 356 (2007).

⁹ *Id.*

¹⁰ *People v. Mamantak*, 582 Phil. 294, 306 (2008).

Q: And after being told or having demanded that you give them your jewelries and you give them your jewelries and you give them a certain amount of money, what, if any, did you do after that?

A: They said that they will set me free if I'm going to give them what they're asking which is (sic) money and my jewelries.

Q: And upon hearing the said demand, what, if any, did you do?

A: I was so afraid since I boarded their vehicle. They persistently threatened me.

Q: And what happened after that, Mr. Witness?

A: They told me that if I should give them the money and the jewelries that they were asking and if I will be able to deliver said items, they will set me free and that will be the only time that I will be set free.¹¹

Appellants argue that Nenita's testimony is incredible and inconsistent, however, a close reading of her testimony shows otherwise. She was able to positively identify the individuals who abducted her, as well as the manner in which she was abducted. There was nothing inconsistent in her testimony. In fact, it was well detailed and was corroborated by other witnesses. As aptly found by the CA:

Ana, as noted by the trial court, clearly saw accused-appellants when they [accompanied] her to their house. Believing that they were officemates of her mother, she left them at their living room while she returned to her chore. Mel, bank officer at PNB, also positively identified accused-appellants in open court as the ones who closely guarded Nenita while attempting to withdraw money from the bank. It is quite suspicious that accused-appellants who are strangers were right beside Nenita while she was going to preterminate her time deposit. As concluded by the trial court, their presence at such close proximity to Nenita only means that they are waiting for the withdrawal of the amount of Php400,000.00 and right then and there take it from her.

The prosecution witnesses' testimonies agree on the essential facts and substantially corroborate a consistent and coherent whole. No less than four witnesses positively identified the accused-appellants as the persons who abducted Nenita, accompanied her to her house and thereafter proceeded to PNB near the BIR in Quezon City. Such unwavering identification of the accused-appellants convince us that accused-appellants are indeed guilty.¹²

The question of credibility of witnesses is primarily for the trial court to determine.¹³ For this reason, its observations and conclusions are accorded great respect on appeal.¹⁴ This rule is variously stated thus: The trial court's assessment of the credibility of a witness is entitled to great weight. It is conclusive and binding unless shown to be tainted with arbitrariness or unless,

¹¹ TSN, April 28, 2008, pp. 14-21.

¹² *Rollo*, p. 12.

¹³ *People v. Montanir*, 662 Phil. 535, 551 (2011) citing *People v. Mercado*, 400 Phil. 37, 71 (2000) and *People v. Dianos*, 357 Phil. 871, 884 (1998).

¹⁴ *Id.*, citing *People v. Manuel*, 358 Phil. 664, 673 (1998).

through oversight, some fact or circumstance of weight and influence has not been considered.¹⁵ Absent any showing that the trial judge overlooked, misunderstood, or misapplied some facts or circumstances of weight which would affect the result of the case, or that the judge acted arbitrarily, his assessment of the credibility of witnesses deserves high respect by appellate courts.¹⁶

Anent the claim of inconsistencies, what really prevails is the consistency of the testimonies of the witnesses in relating the principal occurrence and positive identification of the appellants. Slight contradictions in fact even serve to strengthen the credibility of the witnesses and prove that their testimonies are not rehearsed.¹⁷ They are, thus, safeguards against memorized perjury.¹⁸

As to appellants' denial, such cannot be accorded more weight than the positive identification of them by the witnesses. It must always be remembered that between positive and categorical testimony which has a ring of truth to it on the one hand, and a bare denial on the other, the former generally prevails.¹⁹ Also, the absurdity of appellants' claim that they were merely acting as good Samaritans in accompanying Nenita to the bank has not been unnoticed by the CA and the RTC, thus:

x x x To repeat, accused-appellants' defense that they were just being good Samaritans to Nenita is absurd and distrustful. Though it may be understandable for one to seek assistance from strangers if one is feeling weak or dizzy, it is so unlikely for a person to ask a complete stranger to accompany you to the bank. As aptly stated by the trial court, it is unacceptable for a person to ask a complete stranger to accompany her inside her house, wait for her to rest and then accompany her to the bank. More so, it is dumbfounding that Nenita would prefer the two accused-appellants to accompany her to a bank instead of her own daughter to terminate her account and then withdraw such a huge amount of money of Php400,000.00. x x x²⁰

There is, however, a need to modify the amounts of damages awarded pursuant to prevailing jurisprudence.²¹ The amount of damages are increased to ₱100,000.00 as moral damages and ₱100,000.00 as exemplary damages. There is also a need to award the victim the amount of ₱100,000.00 as civil indemnity. In our jurisdiction, civil indemnity is awarded to the offended party as a kind of monetary restitution or compensation to the victim for the damage or infraction that was done to the latter by the accused, which in a sense only

¹⁵ *Id.*, citing *People v. Lozano*, 357 Phil. 397, 411 (1998).

¹⁶ *Id.*, citing *People v. Abangin*, 358 Phil. 303, 313 (1998).

¹⁷ *People v. Mercado*, 400 Phil. 37, 73-74 (2000).

¹⁸ *People v. Pirame*, 384 Phil. 286, 298 (2000).

¹⁹ *People v. Waggay*, 291-A Phil. 786, 794 (1993); *People v. Andasa*, 283 Phil. 579, 585 (1992).

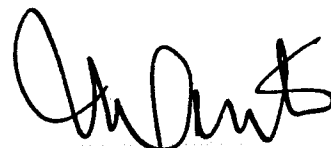
²⁰ *Rollo*, pp. 13-14.

²¹ *People v. Jugueta*, 783 Phil. 806 (2016).

covers the civil aspect.²² Interest is also imposed on all damages awarded at the rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid.²³

WHEREFORE, the appeal of Michelle Parba-Rural and May Almohan-Daza is **DISMISSED**, for lack merit and the Decision dated October 5, 2016 of the Court of Appeals, affirming the Decision dated July 31, 2012 of the Regional Trial Court, Branch 223, Quezon City in Criminal Case No. Q-08-150324 convicting appellants of kidnapping for ransom, as defined in and penalized under Article 267 of the Revised Penal Code, as amended by Republic Act No. 7659, and imposing the penalty of *reclusion perpetua* without eligibility for parole is **AFFIRMED** with **MODIFICATION** that appellants are **ORDERED** to **PAY** the private complainant, jointly and solidarily, the amounts of ₱100,000.00, as civil indemnity, ₱100,000.00 as moral damages and ₱100,000.00 as exemplary damages in accordance with *People v. Jugueta*,²⁴ with the appellants paying an interest of six percent (6%) *per annum* on all damages awarded from the date of finality of this Decision until fully paid.

SO ORDERED.



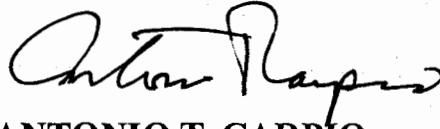
DIOSDADO M. PERALTA
Associate Justice

²² *Id.*

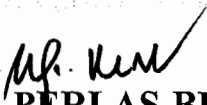
²³ *Id.*

²⁴ *Supra* note 21.

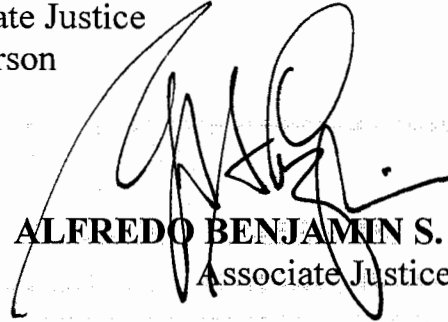
WE CONCUR:



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ESTELA M. PERLAS-BERNABE
Associate Justice



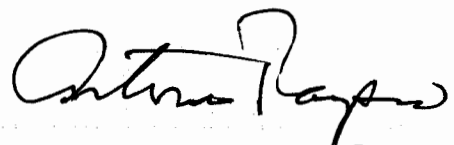
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ANDRES B. REYES, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, Republic Act
No. 296, The Judiciary Act of
1948, as amended)