



Republic of the Philippines
Supreme Court
Baguio City

CERTIFIED TRUE COPY
Wilfredo V. Lapitan
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

JUN 05 2018

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 216065

Present:

VELASCO, JR., J.,
Chairperson,

BERSAMIN,
LEONEN,
MARTIRES, and
GESMUNDO, JJ.

- versus -

REYNANTE MANZANERO y HABANA
A.K.A. "NANTE," MARIO TANYAG Y
MARASIGAN A.K.A. "TAGA,"
ANGELITO EVANGELISTA Y
AVELINO A.K.A. "LITO," ARTHUR
FAJARDO Y MAMALAYAN, MARIO
EVANGELISTA A.K.A. "TIKYO,"
PATRICK ALEMANIA A.K.A. "BOBBY
PATRICK," TOYING PENALES A.K.A.
"TOYING," A.K.A. "REY," AND A.K.A.
"MARLON,"

Accused,

ARTHUR FAJARDO Y MAMALAYAN,
Accused-Appellant.

Promulgated:

April 18, 2018

Wilfredo V. Lapitan

X

X

DECISION

MARTIRES, J.:

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This is an appeal from the 2 September 2013 Decision¹ of the Court of Appeals (*CA*) in CA-G.R. CR-HC No. 04513, which affirmed with modification the 25 March 2010 Joint Decision² of the Regional Trial Court, Branch 47, Manila (*RTC*), in Criminal Case Nos. 05-235530 and 05-235531, finding accused-appellant Arthur Fajardo y Mamalayan (*Fajardo*) guilty beyond reasonable doubt of the crimes of Kidnapping and Serious Illegal Detention and Robbery.

THE FACTS

In an Amended Information³ dated 4 August 2004, Fajardo, together with his co-accused, were charged with Kidnapping for Ransom defined and penalized under Article 267 of the Revised Penal Code (*RPC*). The accusatory portion of the information reads:

That on or about November 23, 2003, at the City of Manila, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with each other, did then and there willfully, unlawfully and feloniously, and for the purpose of extorting ransom from the victim and his relative, kidnap and detain Tony Chua.

That the said kidnapping had been committed by the above-named accused by simulating public authority and the deprivation of liberty of Tony Chua lasted for more than three (3) days. That the ransom money in the amount of \$3,000,000.00 was in fact demanded by the above-named accused from his family for his release.⁴

In a separate Information, Fajardo and his co-accused were also charged with Robbery. During arraignment, Fajardo, Reynante Manzanero (*Manzanero*), Mario Tanyag (*Tanyag*), Angelito Evangelista (*Angelito*), and Mario Evangelista (*Mario*) all pleaded "not guilty." The other persons indicted remain at-large.

Version of the Prosecution

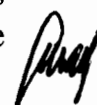
In the afternoon of 23 November 2003, private complainant Tony Chua (*Tony*) was at the Metropolitan Building in Mabini playing mahjong with his friends. At around 10:30 P.M. that day, he decided to go home and proceeded to his car. While Tony was about to open his car, three men identifying themselves as National Bureau of Investigation (*NBI*) agents handcuffed him. They pushed him into a van parked behind his car where he

¹ *Rollo*, pp. 2-31; penned by Associate Justice Eduardo B. Peralta, Jr, and concurred in by Associate Justices Vicente S.E. Veloso and Nina G. Antonio-Valenzuela.

² *CA rollo*, pp. 15-51; penned by Pairing Judge Silverio Q. Castillo.

³ Records, Volume III, pp. 620-621.

⁴ *Id.* at 620.



saw two more persons in NBI apparel at the driver and front passenger seats. Once inside, he was blindfolded.⁵

Tony was able to identify in open court four of the five assailants who abducted him. He named Fajardo, Manzanero, and Mario as the persons who approached him and Tanyag the driver. The one seated beside the driver was not in court so he was not identified. On the other hand, Tony pointed to Angelito as the one who served him food during his detention.⁶

On the same date, Tony's sister Cynthia Chua (*Cynthia*) was at home watching television when he got a call from Tony's friend Avelino Belmonte (*Belmonte*). The latter told her that he saw Tony forcibly taken by three unidentified men while he was trying to board his car. Shocked, Cynthia immediately tried to call Tony but he could not be contacted.⁷

Meanwhile, Tony was brought to a safe house where his captors took his wallet, cellphone, and ring. The kidnappers asked for the number of Tony's wife and siblings.⁸ On 24 November 2003, Cynthia received a call from a man asking for Tony's wife who informed her that they had Tony. Pretending to be Tony's wife she was told to prepare \$3 million in exchange for Tony's liberty. Later, Cynthia would receive several calls asking if the money had already been prepared.⁹

After five (5) days, Tony was given a cellphone to contact relatives with and tell them to give in to the assailants' demands. After two weeks, he was transferred to a resort but was brought back to the safe house after three days. During these periods, Tony was kept blindfolded and was only able to remove it when he was alone in the room.¹⁰

Cynthia was eventually referred to the Philippine National Police – Police Anti-Crime and Emergency Response Unit (*PNP-PACER*), where she was told that she and her family would stay in a safe house where the PNP-PACER would assist Cynthia and her family in negotiating with Tony's captors.¹¹ On 25 December 2003, Cynthia received a call from a certain Ed Alvarez (*Alvarez*) who identified himself as Tony's friend. He told her that he would facilitate Tony's release but warned that she should not report it to the authorities.¹²



⁵ TSN, 13 June 2006, pp. 9-11.

⁶ TSN, 27 July 2006, pp. 19-21.

⁷ TSN, 6 November 2007, pp. 4-7.

⁸ TSN, 13 June 2006, pp. 11-12.

⁹ TSN, 6 November 2007, pp. 7-9 and 13-17.

¹⁰ TSN, 13 June 2006, pp. 13-14.

¹¹ TSN, 6 November 2007, pp. 19-22.

¹² TSN, 5 December 2007, pp. 16-19.

On 30 December 2003, when Tony peeped through the door and saw a woman sleeping in the living room, he decided to escape and ran towards the road. There, he met a jeepney driver who brought him to a barangay captain in Tanauan, Batangas. The barangay official brought Tony to the bus station and gave him fare money to Cubao. Once in Cubao, Tony called his brother Edgar Chua (*Edgar*), who relayed to Cynthia to say that Tony was in a restaurant at Cubao.¹³ The following day, he accompanied the police to the safe house where he was detained.¹⁴

On 31 December 2003, Alvarez again called Cynthia and said he helped Tony be released by his abductors. They agreed to meet at Festival Mall so that she could repay him for his efforts. Cynthia informed the PNP-PACER about the meeting and set up operations for her meeting with Alvarez. They informed her later that the persons responsible for the kidnapping were in their custody.¹⁵

On 8 January 2004, Manzanero, Tanyag, and Angelito surrendered to Police Senior Inspector Vic Orsino (*Orsino*), Chief Investigator of the PNP-PACER, who requested the PNP Laboratory to subject the three to a physical examination.¹⁶ The following day, the three executed their respective affidavits, in the presence of Atty. Manuel Go, confessing their involvement in Tony's kidnapping.¹⁷

On 17 January 2004, Fajardo, together with his lawyer, surrendered to the Criminal Investigation and Detention Group (*CIDG*) and was subsequently turned over to Orsino. After getting the results of Fajardo's physical examination, Orsino took his statement.¹⁸

Version of the Defense

Fajardo testified that on 17 January 2004, he was accompanied by his lawyer to the CIDG and was later endorsed to the PNP-PACER. There, he prepared a statement concerning Tony's kidnapping, which he identified in court.¹⁹ He denied any involvement therein and claimed that he became aware of the kidnapping only after his house was raided.²⁰

Tanyag testified that on the date of the alleged kidnapping he was just riding his tricycle in Calamba, Laguna, when police officers arrested him.²¹

¹³ TSN, 13 June 2006, pp. 17-20 and TSN, 5 December 2007, pp. 20-21.

¹⁴ TSN, 13 June 2006, p. 21.

¹⁵ TSN, 5 December 2007, pp. 22-24.

¹⁶ TSN, 16 September 2008, pp. 14-16.

¹⁷ Id. at 21-25.

¹⁸ Id. at 36 and 47.

¹⁹ TSN, 21 May 2009, pp. 8-13.

²⁰ Records, Volume I, pp. 32-34.

²¹ TSN, 21 April 2009, pp. 5-8.

He claimed that he met his co-accused only in jail and denied the contents of the affidavit he had allegedly executed while in detention.²² On the other hand, Manzanero denied executing any affidavit and that he was surprised when police officers arrested him on 8 January 2004; that they handcuffed him, placed a plastic bag over his head, and pushed him inside a vehicle.²³

Angelito testified that on 8 January 2004 operatives of the PNP-PACER invited him to their office. Once inside their vehicle, he was blindfolded and was asked whether he knew Manzanero and Tanyag. On their way to the PNP-PACER office, he was continuously punched by the police officers.²⁴ On the other hand, Mario narrated that on 10 February 2004, he was invited by police officers and was eventually handcuffed, and similarly with Angelito, a plastic bag was placed over his head and was asked whether he knew the other accused.²⁵ At the PNP-PACER office, both Mario and Angelito were tortured into admitting that they knew their co-accused.²⁶

The RTC Ruling

In its 25 March 2010 joint decision, the RTC found Fajardo and his co-accused guilty of kidnapping and serious illegal detention. The trial court noted that the interlocking admissions of Manzanero, Tanyag, Mario, and Angelito evinced the conspiratorial acts of the accused in kidnapping Tony Chua. It explained that Angelito was guilty only as an accomplice because his participation was limited to acts leading to the criminal purpose of the principal offenders. The RTC also highlighted that the accused conspired to take Tony's property after he was detained which warranted their conviction for the crime of robbery. The dispositive portion of its decision reads:

WHEREFORE, the Court finds the accused Reynante Manzanero, Mario Tanyag y Marasigan, Arhtur Fajardo y Mamalayan and Mario Evangelista GUILTY BEYOND REASONABLE DOUBT for the felony of KIDNAPPING and SERIOUS ILLEGAL DETENTION with ransom and in conformity with law they are hereby sentenced to suffer separate prison term of RECLUSION PERPETUA and to pay the costs.

With respect to ANGELITO EVANGELISTA he is hereby sentenced to suffer prison term of 12 years and 1 day as minimum to 14 years and 8 months as maximum of reclusion temporal.

x x x x

Thus, the Court further finds the accused Reynante Manzanero, Mario Tanyag, Arthur Fajardo and Mario Evangelista GUILTY beyond

²² Id. at 9-12.

²³ TSN, 17 February 2009, pp. 7-8 and 14-16.

²⁴ TSN, 24 February 2009, pp. 5-6 and 9-10.

²⁵ Id. at 21-23.

²⁶ Id. at 31-33.

reasonable doubt of the felony of Robbery and hereby sentenced to suffer prison terms of eight (8) years and two (2) days as minimum to ten (10) years as maximum as prison mayor. The accused are ordered to pay the amount of P50,000.00 representing the value of victim's personal property.

The L-300 van which was used by the accused as their getaway vehicle and in boarding the victim to a secluded place in Tanauan, Batangas is ordered confiscated and forfeited in favor of the STATE.

In view of the conviction of the accused, the BJMP of Manila is ordered to commit them to the National Bilibid Prison, Muntinlupa without any oncoming delay. With respect to accused Mario Tanyag y Marasigan, the BJMP of Calamba City Laguna is ordered to commit him to the National Bilibid Prison, Muntinlupa, Metro Manila.²⁷

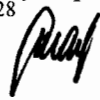
Aggrieved, Manzanero and Fajardo appealed before the CA.

The CA Ruling

In its assailed 2 September 2013 decision, the CA granted Manzanero and Fajardo's appeal. The appellate court agreed that all the elements of kidnapping with ransom were duly proven by the prosecution. It elucidated that even if the extrajudicial confession of the accused were disregarded, Tony's positive identification of his abductors was sufficient to convict Manzanero and Fajardo. However, the CA expounded that there was insufficient evidence to prove conspiracy to commit robbery because the degree of participation of the accused was not clearly proven. The dispositive portion of the ruling reads:

WHEREFORE, premises considered, the appeal is hereby PARTIALLY GRANTED and the appealed Decision is MODIFIED as follows:

- (1) We AFFIRM the judgment in Criminal Case NO. 05-235530 which adjudged the guilt of accused for kidnapping and serious illegal detention and sentenced them to suffer the corresponding penalty, with forfeiture of the vehicle, and to pay the costs;
- (2) We REVERSE the convictions of Reynante Manzanero, Mario Tanyag, Arthur Fajardo, Mario Evangelista and Angelito Evangelista in Criminal Case NO. 05-235531 for robbery due to the prosecution's failure to prove their guilt beyond reasonable doubt. Consequently, We delete the award of Php50,000.00 allegedly representing the value of the victim's personal belongings.²⁸



²⁷ CA rollo, pp. 97-98.

²⁸ Rollo, pp. 30-31.

Aggrieved, Fajardo appealed before the Court.

ISSUE

WHETHER THE ACCUSED-APPELLANT IS GUILTY BEYOND REASONABLE DOUBT OF SERIOUS ILLEGAL DETENTION

THE COURT'S RULING

The appeal has no merit.

Serious Illegal Detention or Kidnapping with Ransom is punished under Article 267 of the RPC. It provides:

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 five days**;
2. If it shall have been committed by **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; or
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 are present in the commission of the offense.**

As such, in order for the accused to be guilty of the crime, the following elements must concur: (a) the offender is a private individual; (b) he kidnaps or detains another, or in any manner deprives the latter of his liberty; (c) the act of detention or kidnapping must be illegal; and (d) in the commission of the offense any of the following circumstances is present: (1) the kidnapping or detention lasts for more than three days; (2) it is committed by simulating public authority; (3) any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made; or (4) the person kidnapped or detained is a minor, female, or a public officer.²⁹ In addition, the maximum penalty of death is imposable should the purpose of the detention or kidnapping was to extort money, even if qualifying circumstances mentioned in Article 267 are not present.

²⁹ *People v. Niegas*, 722 Phil. 301, 309-310 (2013).



In turn, it is well-settled that the conviction of the accused heavily rests on the strength of the evidence of the prosecution which has the burden to prove the guilt of the accused beyond reasonable doubt.³⁰ After a review of the records of the case, the Court is convinced that the prosecution was able to meet the quantum of proof for Fajardo's conviction.

In his testimony, Tony categorically and consistently narrated how Fajardo and his co-accused forcibly took him to an unidentified place where he was kept for a period of 37 days. He recounted in his direct examination:

ATTY. YOUNG

Q: Mr. Chua, can you tell the Honorable Court where were you on November 23, 2003 sometime in the evening of that date?

A: I was in Metropolitan Building somewhere in Mabini.

Q: Can you tell us when you were in that building that you mentioned?

A: Around 5:00 o'clock I was there playing majong with some of my friends.

Q: This is 5:00 o'clock in the afternoon?

A: Yes.

Q: Up to what time?

A: I was playing majong and at around 10:30 in the evening I left. I stayed until 10:30.

Q: What did you do at that point and time at around 10:30 in the evening?

x x x x

A: Until 10:30 when I felt I was almost tired, I tried to go home at 10:30 in the evening.

Q: Then what did you do Mr. Witness?

A: When I was trying to open the door of my car, around three guys approached me. They said that they were NBI. They were with white T-shirts with NBI mark. A few seconds later they handcuffed me and pushed me to the van, a Mistubishi van which is behind my car.

Q: During this time that you were handcuff by these people, did they tell you anything?

A: They said they are NBI and they pushed me to the van.

x x x x

Q: Now Mr. witness, you said you were pushed inside an L-300 van, when you were pushed inside what happen? These three persons where were they?



³⁰ *Macayan v. People*, 756 Phil. 202, 214 (2015).

A: They were more than three in the car. One driver and somebody was sitting beside the driver. I was in the second row then there was one on my left and one on my right and there were somebody behind.

x x x x

Q: So what happen (sic) next Mr. witness?

A: I was being blindfolded with my hands handcuffed and they took me after more than an hour to a place that within that time I do not know.

Q: When you arrive at that place what happen?

A: They took me to a small room I think that time was already about 11:00 or 12:00 and during that time they took all my personal belongings, my wallet, my ring, my cellphone.³¹

x x x x

Q: How long were you detained by these people?

A: Over all (sic) it's 37 days. During the first two weeks they transfer me to another place.

Q: For clarification, within that two weeks?

A: After two weeks they transferred me to another place which is something like a resort with a swimming pool and I stayed there about three nights and after that they took me back to the old place.

Q: During that time you were detained, were you continuously blindfolded?

A: Yes continuously but when I stay in the room alone I used to remove portion of my blindfold.

x x x x

Q: Mr. witness, you said you were with them for 37 days, what happen after that end of 37 days?

A: I was able to escape.

Q: Can you explain how you were able to escape?

A: That date was December 30 and it was so quiet and I look on the door and I was able to see that there was only one woman who is sleeping in the sala. It looked so quiet and I peeped outside and I look to the place and there was no movement. You know it is a normal practice that if you are staying there for 37 days you will more or less know the area so I was able to run to the road and I was able to run away.³²

x x x x

Q: Mr. Witness you told us that last time you told us that on November 23, 2003 you were first approached by 3 persons?

A: Yes, sir.

Q: When you came down in the Metropolitan building in the evening and these people identified themselves to you as NBI agents supposedly

³¹ TSN, 13 June 2006, pp. 8-12.

³² Id. at 14-18.



and then they abducted you. Now, these 3 persons, do you still recognize their faces?

A: Yes, sir.

Q: Are they in the Courtroom today?

A: They're inside the Courtroom.

Q: Can you please point them out to us Mr. Witness?

x x x x

ATTY. YOUNG:

You can come down and tap them on the shoulders. Tap them on the shoulder Mr. Witness.

COURT:

Tap them on the shoulders.

ATTY. YOUNG

The 3 persons who approached you on that evening.

INTERPRETER:

Witness has pointed to a (sic) detention prisoners.

COURT

Okay, names?

INTERPRETER:

When asked, their names were Mario Evangelista, Reynante Manzanero and Arthur Fajardo

ATTY. YOUNG:

Q: Mr. Witness please remain there because my next question to you is you also told us that aside from these three (3) there were two (2) other persons inside the van where you were pushed inside. You said that there was a driver and a person seated in front. Is the driver in this Courtroom today?

A: Yes, he's inside.

Q: Can you point to the driver to us?

A: They're inside the Courtroom.

INTERPRETER:

Witness has pointed to a detention prisoner and when asked, his name was Mario Tanyag.



ATTY YOUNG:

Q: How about the person who was seated in front of the van?

A: He is not around today.³³

Even in his cross-examination, Tony remained steadfast in recalling his abduction, to wit:

ATTY. CUDAL:

Q: Mr. Witness, you testified on June 13, 2006 that on November 23, 2003 you were allegedly kidnapped by the accused and at the outset pushed and placed in a Mitsubishi van, is that correct?

A: Yes, sir.

Q: And you also claimed in your testimony on June 13, 2006 is that you were handcuffed by the accused, is that correct?

A: Yes, sir.

Q: And later on you were placed inside this Mitsubishi van Mr. Witness, is that correct?

A: Yes, sir.

Q: And will you please tell us how many persons who held you on the 23rd of November 2003?

A: They are 3 who approached me during the evening – 10:30.

Q: And what did these 3 persons do Mr. Witness?

A: They told me they was (sic) NBI and for investigation and then in a few moment “pinoposas at hinahandcuffed niya ako” and pushed me into the van. That van was parked beside my CRV.

Q: And while inside the van, what happened next Mr. Witness?

A: I saw another 2 in the van and then gina-gamped nila my mouth, my eyes, so then tumakbo yung sasakyan.

Q: How many persons were you inside the van Mr. Witness?

A: Including me, six.

Q: Even including you?

A: Yes six.

Q: And will you tell us what and how you were seated right inside the van Mr. Witness?

A: I was seated in the second row of the van and there is one left and right with me, one at the back and two at the first row that’s including a driver and another person.³⁴

Tony never wavered in identifying his abductors despite the rigorous cross-examination by the defense counsel. It is also noteworthy that Tony was able to categorically identify Fajardo and his co-accused as his captors

³³ TSN, 27 July 2006, pp. 19-21.

³⁴ TSN, 26 April 2007, pp. 14-15.

and illustrate their respective positions inside the vehicle. The details he provided on his abduction strengthened the credibility of his testimony.

The Court finds no reason to depart from the probative value the courts *a quo* had attributed to Tony's testimony. After all, the trial court's assessment of facts and credibility of witnesses is heavily respected because the trial court judge had the distinct advantage of personally hearing the accused and the witnesses and observing their demeanor on the witness stand.³⁵ Further, it is settled that where there is no evidence that the principal witness for the prosecution acted with improper motives, the latter's testimony is entitled to full faith and credit.³⁶

Thus, there is sufficient evidence to establish that Fajardo and his co-accused had illegally deprived Tony of his liberty. They were able to do so by simulating public authority when they misrepresented themselves as NBI personnel. Further, Fajardo and his cohorts detained Tony for more than five (5) days because he was only able to escape captivity after 37 days. These facts alone were sufficient to convict Fajardo of the crime of serious illegal detention.

In addition, even if the said qualifying circumstance were not present, serious illegal detention or kidnapping was still consummated. In her testimony, Cynthia recounted how Tony's abductors demanded money for his release, to wit:

ATTY. ABANIA:

Q: What happened after that?

A: I did inform some of our family members and also to my sister in law the wife of my brother Tony. So we waited for the entire night to talk to Tony and yet we were disappointed because his cell phone was already out of reached (sic). Then the following day I received a call from a man who was looking for my sister in law Nancy, that is Tony's wife.

Q: Did the man identify himself?

A: He did not identify himself but he informed us that he was detaining my brother Tony.

Q: What else did he say?

A: And he informed us that he was detaining my brother Tony and then he was looking for my sister in law Nancy. I just pretend to be Tony's wife and he warned us not to report the incident to the police.

x x x x

Q: What else did this man tell you?



³⁵ *People v. Gabrino*, 660 Phil. 485, 493 (2011).

³⁶ *People v. Abatayo*, 477 Phil. 668, 686 (2004).

A: This man told us in tagalong (sic) “Maghanda ka ng 3 million dollars para makalaya ang iyong asawa.”³⁷

Tony’s testimony likewise corroborates that his abductors made a demand to his family.³⁸ The illegal detention coupled with a demand for money is tantamount to serious illegal detention or kidnapping punishable under Article 267 of the RPC. The demand for ransom consummates the crime of serious illegal detention or kidnapping because the actual payment or receipt by the kidnappers of the money is immaterial.³⁹

Proof of Conspiracy

Fajardo argues that aside from the extrajudicial confessions his co-accused executed, the prosecution failed to offer other evidence to prove conspiracy. There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.⁴⁰ 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.⁴¹ In *People v. Pepino*,⁴² the Court explained that the meeting of the minds of the accused need not be expressly proven as it can be deduced from the coordinated actions of the group, to wit:

Proof of the agreement does not need to rest on direct evidence, as the agreement may be inferred from the conduct of the parties indicating a common understanding among them with respect to the commission of the offense. Corollarily, it is not necessary to show that two or more persons met together and entered into an explicit agreement setting out the details of an unlawful scheme or the details by which an illegal objective is to be carried out.⁴³

Contrary to Fajardo’s position, there is evidence to establish conspiracy independent of the extrajudicial confession of his co-accused. Tony’s testimony clearly illustrated how Fajardo and his cohorts acted together to achieve their common purpose of detaining him. He narrated the exact participation of the assailants in his abduction. Fajardo, Manzanero, and Mario were the ones who forcibly pushed him into a van where the driver Tanyag was waiting; and all of them were wearing NBI uniforms. Thus, it is readily apparent that Fajardo and his co-accused performed their coordinated actions with the common understanding or intent to detain Tony and demand ransom for his release.

³⁷ TSN, 6 November 2007, pp. 7-8.

³⁸ TSN, 13 June 2006, p.16.

³⁹ *People v. Ramos*, 358 Phil. 261, 279 (1998).

⁴⁰ Article 8 of the RPC.

⁴¹ *Quidet v. People*, 632 Phil. 1, 12 (2010).

⁴² 777 Phil. 29 (2016).

⁴³ *Id.* at 61.



Positive identification of eyewitness is a direct evidence of the commission.

To further his claim of innocence, Fajardo insists that he should not be prejudiced by the extrajudicial confessions of his co-accused under the *res inter alios acta* rule. In addition, he assails that their extrajudicial confessions were inadmissible because they were not continuously assisted by an independent and competent counsel when they executed the same.


The Court, however, agrees with the observation of the appellate court that even if the extrajudicial confessions of his co-accused were disregarded, there is still sufficient evidence to convict Fajardo of the crime charged. The identification by an eyewitness of a suspect or accused as the perpetrator of the crime constitutes direct evidence thereof. Here, Tony was able to clearly, categorically, and steadfastly identify Fajardo as one of his abductors. Thus, his credible testimony alone would suffice as it is direct evidence against Fajardo; and even if the extrajudicial confessions were discarded, it would not be fatal to the prosecution because it would merely corroborate Tony's testimony.

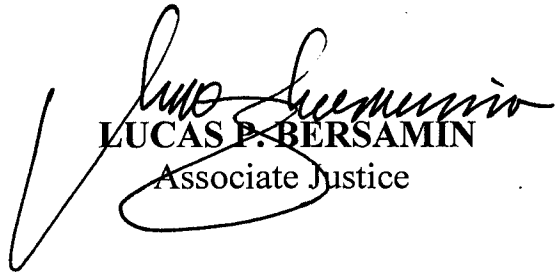
WHEREFORE, the appeal is **DISMISSED**. The 2 September 2013 Decision of the Court of Appeals in CA-G.R. CR-HC No. 04513 is **AFFIRMED**.

SO ORDERED.

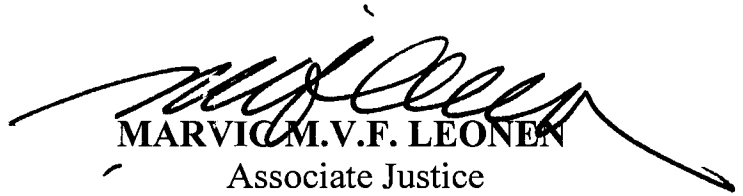

SAMUEL R. MARTIRES
Associate Justice

WE CONCUR:

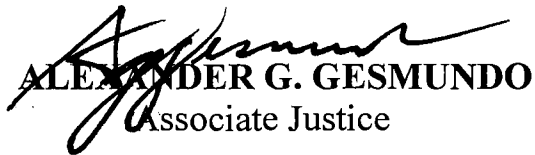

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



LUCAS P. BERSAMIN
Associate Justice




MARVIC M. V. F. LEONEN
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice

ATTESTATION

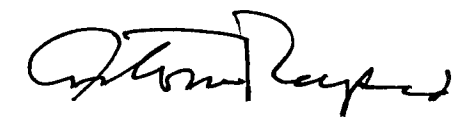
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



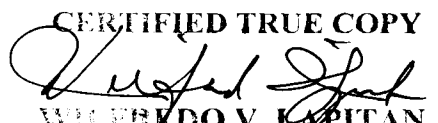
PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

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.



ANTONIO T. CARPIO
Acting Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

JUN 05 2018