



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 238911

Present:

- versus -

LEONEN, J., *Chairperson,*
HERNANDO,
INTING,
DELOS SANTOS, and
LOPEZ, J., *JJ.*

JOHN GALICIA y GALICIA,
ROGER DEMETILLA y
GONZALES, LEOPOLDO
SARIEGO y GENITO, ELISEO
VILLARINO y RIVERAL,
ROGER CHIVA y NAVAL, and
NAPOLEON PORTUGAL y
MALATE,

Promulgated:

Accused-Appellants.

June 28, 2021

Mis-PCBatt

X-----X

DECISION

INTING, J.:

On appeal¹ is the Decision² dated January 31, 2017 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 05647 which affirmed the Decision³ dated May 8, 2012 of Branch 222, Regional Trial Court (RTC), Quezon City in Criminal Case No. Q-04-129571. The RTC found John Galicia y Galicia (Galicia), Roger Demetilla y Gonzales (Demetilla), Leopoldo Sariego y Genito (Sariego), Eliseo Villarino y

¹ See Notice of Appeal (With Compliance) dated February 14, 2017, *rollo*, pp. 28-30.

² *Id.* at 2-27; penned by Associate Justice Rosmari D. Carandang (now a member of the Court) with Associate Justices Mario V. Lopez (now a member of the Court) and Myra V. Garcia-Fernandez, concurring.

³ CA *rollo*, pp. 110-153; penned by Presiding Judge Edgar Dalmacio Santos.

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Riveral⁴ (Villarino), Roger Chiva y Naval (Chiva), Napoleon Portugal y Malate (Portugal) (collectively, accused-appellants) and their co-accused: Carlito Ugat, Jr. y Dumalos (Ugat, Jr.) and Amelito Billones y Allanares (Billones) (collectively, co-accused) guilty beyond reasonable doubt of Kidnapping for Ransom defined and penalized under Article 267 of the Revised Penal Code (RPC).

The case stemmed from an Information charging accused-appellants and their co-accused with Kidnapping for Ransom, the accusatory portion of which reads:

“That on or about 7:30 in the evening of May 8, 2003 in Araneta Avenue, Quezon City and [within] the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually aiding and abetting one another, did then and there willfully, unlawfully and feloniously take, carry away, kidnap and deprive VENILDA HO Y MARCELO of her liberty against her will, by blocking the path of the said victim while on board a Mitsubishi L300 van, forcibly pulling her out from the said vehicle and transferring her to a red Kia sedan with plate no. CRW-833, and by bringing her to a safe house in Las Piñas City and later to another safe house located at No. 71 K-8 Street, East Kamias, Quezon City until her rescue on May 22, 2003. That the abduction of VENILDA HO Y MARCELO was for the purpose of extorting ransom from the family of the victim as in fact a demand for ransom was made as a condition for her release amounting to fifty (50) million (Php50,000,000.00) pesos, which was later reduced to five hundred thousand (Php500,000.00) pesos, wherein two hundred twenty four thousand five hundred (Php224,500.00) pesos was paid on May 14, 2003 along South Expressway, near Alabang Exit, Alabang, Muntinlupa City. That another demand for ransom in the amount of five (5) million (Php5,000,000.00) pesos, later reduced to two hundred fifty-five thousand (Php255,000.00) pesos was made, but no payment ensued as the victim was subsequently rescued, to the damage and prejudice of said victim Venilda Ho.

CONTRARY TO LAW.”⁵

When arraigned, accused-appellants and their co-accused pleaded not guilty to the charge.⁶ Trial on the merits then ensued.

⁴ Referred to as “Rivera” in some parts of the *rollo*.

⁵ As culled from the Decision dated January 31, 2017 of the Court of Appeals, *rollo*, pp. 3-4.

⁶ *Id.* at 4.

Version of the Prosecution

The victim, Venilda Marceló Ho (Venilda), was engaged in a dress and gown making business. On May 8, 2003, she was at her shop located in Timog Avenue, Quezon City. At around 7:00 p.m., she decided to go home and thus, Billones, her driver for 14 years, fetched her using a Mitsubishi L-300 van with Plate Number PTE 940.⁷

On their way home, while along Araneta Avenue, Quezon City, a red Kia sedan with Plate Number CRW 833 blocked their path. Venilda instinctively asked Billones if the van hit the car in front of them. Billones replied that he did not notice a collision.⁸ At that point, four men alighted from the Kia sedan (later identified as Galicia, Chiva, Villarino, and Ugat, Jr.). Galicia and Chiva approached the van while Villarino and Ugat, Jr., stood by as lookouts.⁹ Chiva approached Venilda's side of the van and ordered her to open the door. But Venilda immediately locked the door such that Chiva showed Venilda a .45 caliber pistol. Venilda looked at Billones but she saw him passively lower down the driver's window. Then Galicia, who was armed with a gun, opened the driver's door and instructed Venilda to move aside.¹⁰ When the door at Venilda's side was opened, Chiva pulled her out of the van and dragged her towards the back seat of the Kia sedan. Venilda sat at the middle of the back seat between Chiva and Galicia. Villarino took the driver's seat while Ugat, Jr., the passenger side of the driver. The car then sped off leaving behind Billones inside the van.¹¹

While inside the Kia sedan, Galicia instructed Venilda to surrender her cellphone but she replied that she had none. She instead gave her house landline number to him. One of the kidnappers then grabbed her plastic bag and took the money inside amounting to ₱3,000.00.¹² Later, Galicia ordered Venilda to wear a pair of sunglasses. Despite its dark tint, Venilda was able to see their routes from A. Bonifacio Avenue, Jose Abad Santos, Tondo-Pier, Roxas Boulevard, Macapagal Highway, Coastal Road until their arrival to a subdivision in Las Piñas City.¹³

Upon arriving at the subdivision, Galicia instructed Venilda to

⁷ CA rollo, p. 112.

⁸ *Id.*

⁹ Rollo, p. 5.

¹⁰ *Id.*; CA rollo, p. 112.

¹¹ Rollo, p. 5; CA rollo, p. 113.

¹² *Id.*

¹³ Rollo, p. 6.

hold his hands and for them to pretend to be sweethearts. Venilda obliged. They then crossed the street and went inside an old house.¹⁴ At the entrance of the house, Venilda saw two other men, Demetilla and Sariego, who appeared to have been waiting for them. They then took Venilda to an empty room and left her alone.¹⁵

On May 9, 2003, the second day of Venilda's captivity, Demetilla brought Billones inside the room of Venilda. Billones was blindfolded with both of his hands tied. Venilda was surprised to see him as she surmised that he was able to escape and inform her family of the kidnapping.¹⁶ Venilda asked Billones what happened to him. He told her that he was taken to a province, tied, and blindfolded. He further told her that he overheard the kidnappers tell her family that he would be hurt and be used as sample should her family fail to pay the ransom.¹⁷

Meanwhile, the kidnappers were able to talk to Venilda's husband, William Ho (William) through an alias *Kumander* Abdul who negotiated for them. During the negotiations, the kidnappers demanded ₱50,000,000.00 as ransom money but was later reduced to ₱500,000.00.¹⁸ *Kumander* Abdul threatened William that they will harm Venilda if they fail to produce the ransom money.

On May 14, 2003, at around 5:00 p.m., *Kumander* Abdul called William and asked him how much money he was able to raise. William replied that he had only ₱224,500.00. *Kumander* Abdul ordered him to go to Batangas City for the payoff. At around 10:00 p.m., William left for Batangas. Unknown to *Kumander* Abdul and his cohorts, William already reported the kidnapping on May 8, 2003 to the Philippine National Police (PNP), Police Anti-Crime Emergency Response (PACER), a police unit tasked to neutralize organized kidnapping and robbery syndicates. While William was along South Expressway, *Kumander* Abdul called and told him to pull over by the signage "300 meters ahead Alabang" and to get out of his car. William obliged. As he was waiting along South Expressway, a green Mitsubishi Adventure with plate number WTV 571 parked at the service road. A man alighted from the Mitsubishi Adventure. All the while, the PACER agents, from afar, were keeping an eye on William.¹⁹

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*; CA rollo, p. 114.

¹⁷ *Id.*

¹⁸ Rollo, p. 6-7.

¹⁹ *Id.* at 7.

Kumander Abdul instructed Galicia, who alighted from the Mitsubishi Adventure, to receive the money from William. William then met Galicia by the fence separating the South Expressway and the service road. William gave the ransom money through a hole under the fence. Galicia took the money and told William to go back to his car. *Kumander* Abdul then instructed William to proceed to Festival Mall where William waited for instructions, but to no avail. Thus, he left the mall at around 11:00 p.m. On his way home, *Kumander* Abdul told him that a certain *Kumander* Samurai will contact him and that he is to tell him that he only gave ₱204,500.00 instead of ₱224,500.00 to Galicia.²⁰

After the payoff in South Expressway, the PACER agents tailed the kidnappers to a safehouse at Doña Josefa Village, Las Piñas City. They closely monitored the movements of the kidnappers in the area.²¹

Despite the payment of the ransom money, the kidnappers did not release Venilda. At around 11:00 p.m., *Kumander* Abdul called William and informed him that the money he gave was for the food and lodging of his wife as she was choosy with her food.²² *Kumander* Abdul further demanded the amount of ₱5,000,000.00 ransom money. William made a counter-offer of ₱225,000.00, but *Kumander* Abdul rejected it.²³ He warned William that he would cut off one of the fingers of his wife if he failed to produce the amount demanded.²⁴

On the eighth day of Venilda's captivity, the kidnappers transferred her to another house and brought her to an empty room. Later on, they dragged Biliñones into the same room.²⁵

On May 22, 2003, *Kumander* Abdul called William and informed him that they agreed to a reduced ransom money in the amount of ₱250,000.00. Thus, at around 2:00 p.m., the PACER agents saw Galicia and Portugal board the Mitsubishi Adventure that was used during the payoff. The PACER agents followed the Mitsubishi Adventure, strategically blocked it, and arrested the suspects on board.²⁶ They

²⁰ *Id.* See also Joint Affidavit of Arrest of SPO2 Genaro Blasurca, PO3 Sergio Linga, SSGT Henry Rentosa, and SSGT George Ante, records, pp. 334-335.

²¹ *Id.* at 7-8.

²² *CA rollo*, p. 123.

²³ *Rollo*, p. 8.

²⁴ *CA rollo*, p. 123.

²⁵ *Rollo*, p. 8.

²⁶ *CA rollo*, pp. 124-125.

recovered from the vehicle the Nokia 3310 cellphone with number 09208522348 used by the kidnappers during the negotiation. Galicia also confessed that Billones was in cahoots with them in the kidnapping of Venilda. He likewise revealed where Venilda was being detained.²⁷

At around 3:00 p.m., the PACER agents, headed by Police Superintendent Isagani R. Nerez (P/Supt. Nerez), prepared the assault and rescue operation team. Thereafter, the team under the supervision of Police Chief Inspector Joseph Ulysses Gohel²⁸ (PC/Insp. Gohel) proceeded to the target area. When they arrived thereat nobody answered the door such that the team forcibly opened the door.²⁹ A man peeped through the glass window but immediately scampered away upon seeing the police officers, and thus, causing a commotion inside the house. When the door was opened, one of the police officers tossed a flash bang inside the premises of the safehouse. The rest of the police officers entered the house. One police officer got hold of Sariego, who was then trying to escape through the back door. The rest of them forced to open a door leading to a toilet where they found a female person, who identified herself as Venilda. The other police officers found Billones in one of the rooms on the second floor; while Demetilla was apprehended in the basement.³⁰

After her rescue, the police officers brought Venilda to Camp Crame.³¹

Sariego, Billones, and Demetilla were later brought to the PACER office for proper documentation on charges of Kidnapping for Ransom.³²

Later in the afternoon, P/Supt. Nerez conducted another briefing at the PACER office for the follow-up operation against the remaining kidnappers. A second payoff was planned.³³

On May 23, 2003, at around 6:00 a.m., P/Supt. Gohel informed Police Inspector Christian Dela Cruz (P/Insp. Dela Cruz), the chief for

²⁷ *Rollo*, p. 8.

²⁸ Prior to May 23, 2003, Police Superintendent Joseph Ulysses Gohel was referred to as Police Chief Inspector Gohel in the Decisions of the RTC and CA, and the entire records of the case.

²⁹ *Rollo*, p. 9.

³⁰ *Id.*; *CA rollo*, p. 125.

³¹ *Rollo*, p. 9.

³² *CA rollo*, p. 125.

³³ *Rollo*, p. 9.

follow-up operations, that there would be a second payoff at Nayong Pilipino. The team of P/Insp. Dela Cruz proceeded and arrived at Nayong Pilipino around 7:00 a.m. and conducted a roving surveillance. Some of the police officers positioned themselves at the Caltex gasoline station; while the others patrolled the area. After 30 minutes, they noticed a male person come out of Nayong Pilipino. The man proceeded to a waiting shed and appeared to be waiting for someone. In no time, P/Supt. Gohel called P/Insp. Dela Cruz and gave the description of the person who would receive the boodle money. After confirming the identity of the man at the shed as the suspect, the police officers approached him. The man immediately ran away. But eventually, the police officers arrested him, and he was later identified as Chiva.³⁴

The police officers then went to a shanty in Nayong Pilipino to verify the identity of another suspect. A male person noticed them and scampered away. The police officers arrested the male person, who was later identified as Villarino.³⁵

During the operation, the police officers also noticed a red Kia sedan inside the Nayong Pilipino. The team inspected the vehicle and identified themselves as police officers to the men inside. A passenger stepped out and introduced himself as one Major Ugat, Jr., a police officer.³⁶ Right then and there, the police officers arrested him and informed him of his rights.

The police officers brought Chiva, Villarino, and Ugat, Jr. to Camp Crame for documentation.³⁷

At the parking lot of the PACER compound, Venilda identified the impounded red Kia sedan as the vehicle used by the kidnappers. She recognized it due to the sticker, appearing like the wings of a bird, at the rear end of the vehicle. She likewise recognized the dashboard and the leather seats of the vehicle.³⁸

³⁴ *Id.*

³⁵ *Id.* at 29-31.

³⁶ *Id.* at 32-33.

³⁷ *Id.* at 33-36.

³⁸ See Karagdagang Sinumpaang Salaysay ni Venilda Ho dated May 29, 2003, records, pp. 324-328.

Version of the Defense

For their part, accused-appellants and their co-accused interposed the following defenses:

Galicia denied having participated in the crime. According to him, he was from Iloilo City and used to occasionally travel to Manila to sell fighting cocks. On May 14, 2003, he went to Manila and stayed in Tondo. On May 22, 2003, he went to the Zapote, Las Piñas City cockpit arena. While he was waiting for a friend who was interested to buy his fighting cocks, he was arrested by armed men who subsequently mauled him to admit to the kidnapping charge. The next day, he was forced to sign an affidavit. When he learned that the affidavit he made was a sworn statement against his co-accused, he immediately retracted it.³⁹

Meanwhile, Portugal asserted that he was arrested for no apparent reason. He alleged that he and his wife were engaged in the business of subcontracting pieces of works with private garment factories. The business was carried out in the house of his sister Rizalina Portugal (Rizalina). On May 3, 2003, Rizalina arrived from America for a vacation; and Portugal acted as her driver during her stay in the Philippines. On May 22, 2003, after sending off Rizalina back to America, he went to a store to buy food when three vehicles suddenly blocked his way. Several armed men alighted from these cars, pointed their guns at him and ordered him to get out of his car. They later brought him to Camp Crame. He further alleged that he did not know the reason for his arrest.⁴⁰

Ugat, Jr., on the other hand, alleged that he was a retired policeman. He admitted that he was aware of the red Kia sedan with Plate Number CRW 833 because he borrowed it from Narciso Ypon (Ypon) for his trip to Tarlac and Subic. On May 23, 2003, at around 10:00 a.m., he was visiting his friend at Nayong Pilipino when he was arrested by the airport police. He tried to show the registration papers of the vehicle to them when told that the vehicle he was driving was a carnapped vehicle. He denied knowing Galicia and Venilda.⁴¹

On his end, Demetilla alleged that on May 23, 2003, he was waiting for a ride somewhere in Sitio Veterans, Brgy. Silangan, Quezon City when he saw a policeman chasing a person. Demetilla got scared that there will be an exchange of gunshots, thus, he went to a safe area.

³⁹ *Rollo*, p. 10.

⁴⁰ *Id.* at 11.

⁴¹ *Id.* at 14.

When he came out, two police officers pointed a gun at him and dragged him inside a Toyota Revo. While inside the vehicle, they blindfolded, beat and later on brought him to Camp Crame where the police officers tortured him.⁴²

Sariego, likewise, denied the accusation against him. He testified that he was in the active service of the Armed Forces assigned in Northern Samar before he was discharged in 2000. On May 15, 2003, he went to Manila and stayed at Camp Aguinaldo to facilitate his documents for possible reinstatement. On May 22, 2003, a colleague suggested him to go to Kamuning, Quezon City to apply for a job at a restaurant while awaiting for his reinstatement. When he went to Kamuning, a Toyota Revo stopped in front of him and two policemen invited him to Camp Crame.⁴³

Meanwhile, Chiva alleged that he was a farmer in Iloilo. On May 20, 2003, he went to Manila to fetch his sister who was arriving from Malaysia. On May 22, 2003, he took a cab in going to the airport. The cab stopped at a gas station for him to use a comfort room. When he came out from the comfort room, he saw men carrying firearms. Thus, he hurriedly went towards the cab, but the armed men ordered him to stop. Afterwards, the latter forced him to board a black vehicle that brought him to a prison cell. There, he learned that he was being charged with kidnapping.⁴⁴

Villarino alleged that he was a former Manila policeman and a permanent resident of America since 1997. Sometime in January 2003, he came home from America and stayed in Leyte. On May 20, 2003, he went to Manila to facilitate his return papers to America and stayed in Makati City. On May 23, 2003, he went to the airport to fetch his colleague from Chicago and meet up with a certain Gladys Pagallaman. While he was on his way to the airport, several armed men abducted him and brought him to a police station. The next thing he knew, he was in a room where he was made to stand in line with another person. The following day, the police authorities referred him to an inquest proceeding where he was asked to sign a document.⁴⁵

Billones testified that he was a company driver of Venilda's family

⁴² *Id.* at 12; See also TSN, October 28, 2009, pp. 3-12; TSN, February 3, 2010, pp. 3-21.

⁴³ *Id.*; See also TSN, March 17, 2010, pp. 3-13; TSN, April 21, 2010, pp. 6-25.

⁴⁴ *Id.* at 13.

⁴⁵ *Id.*

business from 1982 to 1996 and became a stay in driver of the family in 2001. On May 23, 2003, at around 8:30 p.m., while traveling with Venilda, a Toyota car blocked their path and bumped the rear portion of their vehicle. He saw two men alight from the front car. One man went to his side of the vehicle while another man approached Venilda's side. The man on his side ordered him to open the door. He rolled down the door window a bit, but the man reached for the lock and opened the door. The man then reached out for the door on Venilda's side and opened it. The armed men dragged Venilda out of the van and took her. He insisted that he was helpless as there were armed men who boarded the van and hijacked it. Later, he was brought to a room where he saw Venilda. They were detained in the room for nine days.⁴⁶

The Ruling of the RTC

On May 8, 2012, the RTC rendered a Decision⁴⁷ finding accused-appellants and Ugat, Jr. as principals; and Billones as an accomplice, guilty beyond reasonable doubt of the crime of Kidnapping for Ransom. The dispositive portion of its Decision reads:

WHEREFORE, premises considered, this Court renders judgement finding the above-named accused guilty beyond reasonable doubt of the crime of Kidnapping for Ransom defined and penalized under Article 267 of the Revised Penal Code, as amended by R.A. 7659 and hereby sentences them as follows:

1.) Accused JOHN GALICIA [y] GALICIA, ROGER DEMETILLA [y] GONZALES, LEOPOLDO SARIEGO [y] GENITO, CARLITO UGAT, JR., [y] DUMALOS, ELISEO VILLARINO [y] RIVERAL, ROGER CHIVA [y] NAVAL, NAPOLEON PORTUGAL [y] MALATE, being PRINCIPALS shall suffer each the penalty of Reclusion Perpetua (in lieu of Death Penalty pursuant to R.A. 9346) with the accessories provided by law with no possibility of parole pursuant to RA 9346;

2.) Accused AMELITO BILLONES [y] ALLANARES being an ACCOMPLICE shall suffer an indeterminate penalty of ten (10) years of Prison Mayor as minimum to seventeen (17) years and four (4) months of Reclusion Temporal as maximum, with the accessories provided by law;

3.) All accused shall indemnify the victim Venilda Ho in the amount of P200,000.00 by way of moral damages, with the principals being solidarily liable for P175,000.00 of this amount and subsidiarily

⁴⁶ *Rollo*, p. 14.

⁴⁷ *CA rollo*, pp. 110-153.

liable for the civil liability of the accomplice, and the latter being solidarily liable for P25,000.00 for moral damages and subsidiarily the civil liability of the principals.

In accordance with Article 83 of the Revised Penal Code, as amended by Section 25 of Republic Act No. 7659, upon the finality of this Decision, let the records of this case be forwarded to the Office of the President for the possible exercise of His Excellency's pardoning power.

Costs against the accused.

SO ORDERED.⁴⁸

The RTC lent credence to the testimonies of the prosecution witnesses stressing that Venilda positively identified accused-appellants and Ugat, Jr. as her kidnappers who all acted in concert as principals in the commission of the crime. Thus, it imposed upon accused-appellants and Ugat, Jr. the penalty of *reclusion perpetua* without eligibility of parole.

On the other hand, the RTC adjudged accused Billones as an accomplice and meted out against him the penalty of ten (10) years of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum.⁴⁹

As to the monetary awards, the RTC awarded moral damages to Venilda in the amount of P200,000.00; and out of which, P175,000.00 is to be paid by all the accused ruled as the principals while P25,000.00 is to be paid by accused Billones as an accomplice.⁵⁰

Undaunted, accused-appellants and Ugat, Jr. appealed to the CA.⁵¹ Because Billones did not appeal to the CA, then the judgment of conviction against him already became final and executory.⁵²

In their Brief,⁵³ accused-appellants argued that Venilda's account

⁴⁸ *Id.* at 152-153.

⁴⁹ *Id.* at 153.

⁵⁰ *Id.*

⁵¹ See Notice of Appeal of Carlito D. Ugat, Jr. dated May 17, 2012, *id.* at 27-28, Notice of Appeal of John Galicia y Galicia, Roger Demetilla y Gonzales, Leopoldo Sariago y Genito, Roger Chiva y Naval and Napoleon Portugal y Malate dated May 17, 2012, *id.* at 31-32 and Notice of Appeal of Eliseo Villarino y Rivalan dated May 28, 2012, *id.* at 33.

⁵² See Order dated June 7, 2012 and penned by Judge Edgar Dalmacio Santos, *id.* at 36.

⁵³ *Id.* at 71-109.

of the alleged kidnapping was highly questionable as she admitted that she was free to roam around the safehouses, and could have easily asked for help, yet did nothing for her immediate rescue.⁵⁴ They added that it took about two weeks for the police officers and the PACER agents to rescue Venilda despite William's information of her kidnapping at the early days of Venilda's captivity which circumstances were questionable.⁵⁵ They insisted that it was quite odd that the PACER agents, who covered the initial payoff and witnessed the exchange of ransom money, did not immediately arrest the kidnappers, but instead waited for several days before accosting them at the time that they were not committing any crime;⁵⁶ and that the inconsistency of prosecution witnesses made their statements not credible.⁵⁷ They also asserted that the maltreatment they suffered in the hands of the PACER agents violated their constitutional rights.⁵⁸

In Villarino's separate Appellant's Brief,⁵⁹ he alleged that Venilda's statements were unbelievable and absurd; that it is contrary to the human experience that accused-appellants did not even hide their appearances when they allegedly abducted Venilda; that Venilda's account that she was made to wear dark sunglasses to make it hard for her to identify the kidnappers casts serious doubt as to its credibility;⁶⁰ that it would be more logical if the kidnappers resorted to something else than ordering the victim to wear sunglasses, such as putting a masking tape on her eyes to serve the purpose;⁶¹ and that it is contrary to human experience that Venilda's blindfold was removed upon arrival at the safehouse that allowed her to see the faces of her kidnappers.⁶²

Ugat, Jr., in his Brief,⁶³ alleged that the prosecution witnesses' statements were full of inconsistencies about his involvement in the commission of the crime. He further alleged that he was not identified as part of the team from the police lineup.

On the other hand, the Office of the Solicitor General (OSG) filed

⁵⁴ *Id.* at 86-87.

⁵⁵ *Id.* at 88-89.

⁵⁶ *Id.* at 89-90.

⁵⁷ *Id.* at 90-92.

⁵⁸ *Id.* at 97.

⁵⁹ *Id.* at 154-166.

⁶⁰ Appellant's Brief dated July 3, 2015, *id.* at 161.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.* at 57-66.

a Consolidated Brief for the Appellee⁶⁴ and pointed out that the prosecution was able to establish beyond reasonable doubt the guilt of the kidnapers; that all the elements of Kidnapping for Ransom under Article 267 of the RPC are present; that Venilda categorically testified before the RTC her horrific ordeal at the hands of accused-appellants and their co-accused; that accused-appellants and their co-accused deprived Venilda of her liberty and demanded ransom from her; and that Venilda positively identified all of the kidnapers and how each of them participated in the commission of the crime.⁶⁵

The Ruling of the CA

On January 31, 2017, the CA rendered the assailed Decision denying the appeal. It agreed with the RTC that all the elements of the crime of Kidnapping with Ransom were proven by the prosecution. It likewise gave more weight to Venilda's testimony and positive identification of the kidnapers.

Further, the CA affirmed the RTC's findings of the existence of conspiracy between accused-appellants and Ugat, Jr.

Furthermore, the CA upheld the RTC's ruling that accused Billones is merely an accomplice in the commission of the crime. However, the CA modified the monetary awards imposed by the RTC disposing the case in this wise:

WHEREFORE, premises considered, the instant appeal is DENIED. The Decision dated May 8, 2012 of the Regional Trial Court, Branch 222, Quezon City, is hereby AFFIRMED with MODIFICATION in that the accused-appellants shall indemnify the victim Venilda Ho, the following:

1. Php 100,000.00 as civil indemnity,
2. Php 100,000.00 as moral damages, and
3. Php 100,000.00 as exemplary damages.

All monetary awards shall earn six percent (6%) interest per annum from the finality of this Decision until fully paid.

SO ORDERED.⁶⁶

⁶⁴ *Id.* at 262-280.

⁶⁵ *Id.* at 278.

⁶⁶ *Rollo*, pp. 25-26.

Aggrieved, accused-appellants Galicia, Demetilla, Sariego, Chiva, and Portugal appealed to the Court,⁶⁷ Villarino filed a Notice of Appeal on September 28, 2017.⁶⁸

On the part of Ugat, Jr., and in his letter dated April 7, 2017, he requested from the CA for the issuance of certified true copy with dry seal of the Entry of Judgment of the case as against him.⁶⁹ Thus, in a Resolution dated June 27, 2017, the CA declared that its Decision dated January 31, 2017 as to Ugat, Jr. attained finality on February 24, 2017. The CA issued a Partial Entry of Judgment in that regard.⁷⁰

Further, in a Manifestation⁷¹ dated October 17, 2018, the plaintiff-appellee, through the OSG, stated that it will no longer file a supplemental brief with the Court. Similarly, accused-appellants manifested that they will no longer file a Supplemental Brief considering that they already discussed the issues presented in their Brief filed before the CA.⁷²

In the meantime, in a letter dated May 12, 2020, CTCInsp Albert C. Manalo, Officer-in-Charge, Inmate Documents and Processing Division of the Bureau of Corrections, informed the Court that Villarino died on May 9, 2020⁷³ as evidenced by the Certificate of Death and Notice of Death Report issued by CTCInsp Glicerio Lorenzo P. Zamora III, a medical officer in the New Bilibid Prison Hospital.⁷⁴

Thus, in a Resolution⁷⁵ dated September 28, 2020, the Court resolved to consider the case closed and terminated with respect to Villarino.

In fine, the remaining accused-appellants before the Court are Galicia, Demetilla, Sariego, Chiva, and Portugal.

⁶⁷ *Id.* at 28-30. Notably, the name Amelito Billones was still included in the Notice of Appeal dated February 14, 2017 (*id.* at 28). However, as can be gleaned in the Brief for the Accused-Appellants filed before the CA, Notice of Appeal dated May 17, 2012 appealing the RTC Decision to the CA, and Order of the RTC dated June 7, 2012, it was specifically mentioned therein that all accused, except for Amelito Billones, interposed an appeal from the RTC to the CA. (Brief for the Accused-Appellant, CA *rollo* pp. 31-32, 36 and 71-108.)

⁶⁸ CA *rollo* p. 33.

⁶⁹ *Id.* at 359.

⁷⁰ *Id.* at 362.

⁷¹ *Rollo*, pp. 36-37.

⁷² *Id.* at 41-45.

⁷³ *Id.* at 78.

⁷⁴ *Id.* at 79.

⁷⁵ *Id.* at 81.

The Issue

Whether the CA erred in affirming accused-appellants' conviction for Kidnapping with Ransom.

The Court's Ruling

The appeal has no merit.

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 of the case. It is settled that findings of the trial court 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.⁷⁶

The crimes of Kidnapping and Serious Illegal Detention are defined and penalized under Article 267 of the RPC, as amended, *viz.*:

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

⁷⁶ *Estrella v. People*, G.R. No. 212942, June 17, 2020, *People v. Aspa, Jr.*, 838 Phil. 302, 311-312 (2018), further citing *People v. De Guzman*, 564 Phil. 282, 290 (2007).

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. (Italics supplied.)

In prosecuting a case involving the crime 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.⁷⁷

In *People v. Jatulan*,⁷⁸ the Court discussed the definition of ransom as an element of the crime of Kidnapping for Ransom, thus:

x x x Ransom 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.⁷⁹

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.⁸⁰ Also, if the victim is kidnapped and illegally detained to extort ransom, the duration of his detention is immaterial.⁸¹ 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.⁸²

In the case, the prosecution established beyond reasonable doubt the existence of all elements of Kidnapping for Ransom. Accused-appellants are private persons. Venilda categorically narrated how they

⁷⁷ *People v. Parba-Rural, et al.*, 834 Phil. 668, 674 (2018), citing *People v. Gregorio, et al.*, 786 Phil. 565, 583 (2016) and *People v. Lugnasin*, 781 Phil. 701 (2016).

⁷⁸ 550 Phil 342 (2007).

⁷⁹ *Id.* at 356.

⁸⁰ *People v. Carreon*, G.R. No. 229086, January 15, 2020.

⁸¹ *People v. Damayo*, G.R. No. 232361, September 26, 2018.

⁸² *Id.*, citing *People v. Fabre or Manalastas*, 813 Phil. 831, 840 (2017).

deprived her of her liberty from the time the kidnapers forcibly abducted and detained her in two safehouses up until her rescue by the PACER agents. The fact that Venilda was free to roam around the premises of the two safehouses is of no moment. What is material is the curtailment of her liberty and the demand of money for her release.

It is likewise beyond doubt that the purpose of kidnapping Venilda was to extort money from her. Records disclose that the accused-appellants first demanded a ransom amounting to ₱50,000,000.00 which was later reduced to ₱500,000.00 as a condition for Venilda's release.⁸³ Out of the ₱500,000.00, a ransom of ₱242,500.00⁸⁴ was delivered by William on May 14, 2003 along South Expressway, near Alabang Exit, Alabang, Muntinlupa City.

Moreover, the prosecution was able to establish beyond reasonable doubt the conspiracy between accused-appellants and their co-accused Ugat, Jr. The RPC provides that a conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decided to commit it.⁸⁵

In *People v. Lababo, et al.*,⁸⁶ 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

⁸³ CA rollo, p. 120.

⁸⁴ Rollo, p. 7; See also Salaysay ni William Ho dated May 23, 2003, records, pp. 331-333; Joint Affidavit of Arrest of SPO2 Genaro Blasurca, PO3 Sergio Linga, SSGT Henry Rentosa, and SSGT George Ante, *id.* at 334-335; and TSN, June 8, 2005, p. 52.

⁸⁵ Article 8 of the Revised Penal Code (RPC) provides:

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

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

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

⁸⁶ 832 Phil. 1056 (2018).

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]. Hence, the mere presence of an accused at the discussion of a conspiracy, even approval of it, without any active participation in the same, is not enough for purposes of conviction.⁸⁷

There is a conspiracy if, at the time of the commission of the crime, the acts of two or more accused show that they were animated by the same criminal purpose and were united in their execution, or where the acts of the malefactors indicate a concurrence of sentiments, a joint purpose, and a concerted action.⁸⁸ It can be proven by evidence of a chain of circumstances and 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.⁸⁹

The RTC correctly found that conspiracy existed between the principals based on the totality of the circumstances of the instant case; thus:

x x x Proof of their agreement is inferred from their conduct before, during and after the commission of the crime disclosing a common understanding between them relative to its commission. They showed coordination in the abduction, the collection of ransom and detention of their victim which thus indubitably proved such conspiracy.

Accused Sariego and Demetilla were caught inside the safehouse in Kamias, Quezon City where Venilda Ho was detained. They were guarding her to facilitate the successful denouement of the crime of kidnapping for ransom. Although it would appear that their participation was that they merely prevented the victim from escaping, they too had a hand in the kidnapping for ransom crime in order that she may secure her own release. Accused Ugat, Galicia, Chiva and Villarino were together in abducting the victim. There is no

⁸⁷ *Id.* at 1075, citing *Bahilidad v. People*, 629 Phil. 567, 575 (2010).

⁸⁸ *People v. Pilpa*, G.R. No. 225336, September 5, 2018.

⁸⁹ *People v. Amago*, G.R. No. 227739, January 15, 2020, citing *People v. Peralta*, 435 Phil. 743, 764 (2002).

doubt that they are principals by direct participation. Accused Portugal was identified as the person who drove the Mitsubishi Adventure on the first pay-off. All thus, cooperated in the execution of the crime.⁹⁰

In addition, the CA correctly affirmed the RTC's ruling that accused Billones is liable only as an accomplice.

Article 18 of the RPC defines an accomplice as a person who, not being a principal, cooperates in the execution of the crime by previous and simultaneous acts. In order that a person may be considered an accomplice, the following requisites must concur: (1) that there be a community of design; that is, knowing the criminal design of the principal by direct participation, he concurs with the latter in his purpose; (2) that he cooperates in the execution by a previous or simultaneous act, with the intention of supplying material or moral aid in the execution of the crime in an efficacious way; and (3) that there be a relation between the acts done by the principal and those attributed to the person charged as an accomplice.⁹¹

Accused Billones could not be held as a principal by direct participation as there were doubts whether he was part of accused-appellants' prior agreement or community of intention in kidnapping Venilda. In case of doubt, as to the accused's participation, the doubt should be resolved in his favor.⁹² The rationale for this is that where the quantum of proof required to establish conspiracy is lacking, the doubt created as to whether accused acted as principal or accomplice will always be resolved in favor of the milder form of criminal liability, that of a mere accomplice.⁹³ Besides, in several cases wherein the Court confirmed the existence of a conspiracy, some accused were held liable as mere accomplices only because their role in the commission of the crime was not indispensable; in other words, minor.⁹⁴

The RTC's ruling, as affirmed by the CA, that accused Billones can only be held as an accomplice is under the factual evidence of the instant case. Billones was aware of the criminal design of the principals (accused-appellants) and he knowingly cooperated by previous or

⁹⁰ CA rollo, pp. 150-151.

⁹¹ *Saldua v. People*, G.R. No. 210920, December 10, 2018, citing *Napone, et al. v. People*, 821 Phil. 844, 865 (2017).

⁹² *Id.*

⁹³ See *People v. Flores*, 389 Phil 532 (2000).

⁹⁴ *People v. Corbes*, 337 Phil 190, 197-198 (1997). Citations omitted.

simultaneous acts. When the principals blocked Venilda's van, he passively opened the window of the car which facilitated the entry of the kidnapers. It is likewise not logical why he surfaced the following day of the abduction.⁹⁵ It is beyond belief why he was left in the van despite the allegation that he was also a kidnapping victim.⁹⁶ Moreover, there is no evidence to support his claims that he was forcibly taken by the kidnapers to a nearby province. He failed to offer a substantial and convincing explanation as regards his allegations. However, the circumstances do not make him a principal by direct participation but merely an accomplice by previous or simultaneous acts. In other words, his participation was minor as his actions only gave the principals easy access to Venilda's vehicle to kidnap her.

Finally, the defenses offered by accused-appellants cannot outweigh the straightforward factual account of Venilda. She vividly and objectively narrated of her kidnapping with ransom perpetrated by accused-appellants and their co-accused. She also positively identified them as the kidnapers. The prosecution witnesses corroborated her testimony on all aspects—the demand for ransom, the partial payoff of the ransom, and her rescue from the hands of the accused-appellants and their co-accused.

The inherently weak defenses of denial and alibi of accused-appellants cannot be accorded greater evidentiary weight than the identification made by the credible prosecution witnesses.⁹⁷

As to the penalty, the CA correctly affirmed the RTC in imposing the penalty of *reclusion perpetua* without eligibility of parole to all accused, except for Billones, being the principals in the commission of the crime of Kidnapping for Ransom. Kidnapping for ransom is punishable by death under Article 267 of the RPC.⁹⁸ However, considering that RA 9346⁹⁹ prohibits the imposition of a death penalty,

⁹⁵ CA rollo, p. 151-152.

⁹⁶ *Id.* at 151.

⁹⁷ See *People v. Kamir, et al.*, 817 Phil. 698, 709 (2017).

⁹⁸ Article 267 of the RPC provides:

Article 267. *Kidnaping 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:

x x x x

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.)

⁹⁹ Entitled, "An Act Prohibiting the Imposition of Death Penalty in the Philippines," approved on

the RTC correctly sentenced all the principals the penalty to *reclusion perpetua* without eligibility for parole. Hence, accused-appellants and Ugat, Jr., being principals of the crime, shall each suffer the penalty of *reclusion perpetua* without eligibility for parole.

But in view of the death of Villarino, his criminal liability is totally extinguished.¹⁰⁰

The penalty imposed upon Billones is also accurate. Being an accomplice, he shall suffer the penalty next lower in degree than that prescribed for the principals in Kidnapping for Ransom. The RPC provides that when the penalty prescribed for the felony is single and indivisible, such as *reclusion perpetua* as imposed on the principals in this case, the penalty next lower in degree shall be that immediately following that indivisible penalty in the respective graduated scale prescribed in Article 71.¹⁰¹ Thus, the imposition of the penalty of *reclusion temporal* in its medium period against Billones is correct considering the absence of any aggravating or mitigating circumstances. Applying the Indeterminate Sentence Law, the penalty imposed upon Billones which is the penalty ranging from *prision mayor*, as minimum, to *reclusion temporal* in its medium period, as maximum, or ten (10) years of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum is accurate.¹⁰²

As regards the monetary awards, the CA correctly awarded ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages in line with existing

June 24, 2006.

¹⁰⁰ Article 89 of the RPC provides:

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 therefore is extinguished only when the death of the offender occurs before final judgment;

x x x x

See also *People v. Monroyo*, G.R. No. 223708 (Resolution), October 9, 2019.

¹⁰¹ Article 61 of the RPC provides:

Article 61. Rules for graduating penalties. — For the purpose of graduating the penalties which, according to the provisions of Articles 50 to 57, inclusive, of this Code, are to be imposed upon persons guilty as principals of any frustrated or attempted felony, or as accomplices or accessories, the following rules shall be observed:

1. When the penalty prescribed for the felony is single and indivisible, the penalty next lower in degrees shall be that immediately following that indivisible penalty in the respective graduated scale prescribed in Article 71 of this Code.

¹⁰² See *People v. Yau, et al.*, 741 Phil. 747 (2014).

jurisprudence.¹⁰³ The monetary awards shall earn an interest of 6% *per annum* from the finality of this Decision until fully paid.¹⁰⁴

However, after a judicious scrutiny of the apportionment of the civil liability of all accused, as principals and accomplice, made by the RTC and affirmed by the CA, the Court finds it unjust to apportion $\frac{1}{4}$ of the total monetary awards for Billones as an accomplice, and $\frac{3}{4}$ of which for the principals.

Although the RTC and the CA correctly cited *People v. Tampus, et al.*¹⁰⁵ (*Tampus*) in making the apportionment of $\frac{3}{4}$ for the principals and $\frac{1}{4}$ for the accomplice, the computation made by the RTC and CA, however, is in contravention with the rationale behind the formula provided in *Tampus*. The CA ruling imposing ₱225,000.00 as the civil liability of accused-appellants and Ugat, Jr., while imposing ₱75,000.00 as the civil liability of Billones is unjust to the latter.

In *Tampus*, the Court stressed that the courts' discretion in awarding civil liability in criminal cases should not be untrammelled and must be guided by the principle behind differing liabilities for persons with varying roles in the commission of the crime.¹⁰⁶ The Court explained in *Tampus*:

The entire amount of the civil indemnity, together with the moral and actual damages, should be apportioned among the persons who cooperated in the commission of the crime according to the degree of their liability, respective responsibilities and actual participation in the criminal act. Salvador Viada, an authority in criminal law, is of the opinion that there are no fixed rules which are applicable in all cases in order to determine the apportionment of civil liability among two or more persons civilly liable for a felony, either because there are different degrees of culpability of offenders, or because of the inequality of their financial capabilities. On this note, he states in his commentaries on the 1870 Penal Code of Spain that the law should leave the determination of the amount of respective liabilities to the discretion of the courts. The courts have the competence to determine the exact participation of the principal, accomplice, and accessory in the commission of the crime relative to the other classes because they are able to directly consider the evidence presented and the unique opportunity to observe the witnesses.

¹⁰³ See *People v. Jugueta*, 783 Phil. 806, (2016).

¹⁰⁴ *Id.* at 330.

¹⁰⁵ 607 Phil 296 (2009).

¹⁰⁶ *Id.* at 330.

We must stress, however, that the courts' discretion should not be untrammelled and must be guided by the principle behind differing liabilities for persons with varying roles in the commission of the crime. The person with greater participation in the commission of the crime should have a greater share in the civil liability than those who played a minor role in the crime or those who had no participation in the crime but merely profited from its effects. Each principal should shoulder a greater share in the total amount of indemnity and damages than every accomplice, and each accomplice should also be liable for a greater amount as against every accessory. *Care should also be taken in considering the number of principals versus that of accomplices and accessories. If for instance, there are four principals and only one accomplice and the total of the civil indemnity and damages is P6,000.00, the court cannot assign two-thirds (2/3) of the indemnity and damages to the principals and one-third (1/3) to the accomplice. Even though the principals, as a class, have a greater share in the liability as against the accomplice — since one-third (1/3) of P6,000.00 is P2,000.00, while two-thirds (2/3) of P6,000.00 is P4,000.00 — when the civil liability of every person is computed, the share of the accomplice ends up to be greater than that of each principal. This is so because the two-thirds (2/3) share of the principals — or P4,000.00 — is still divided among all the four principals, and thus every principal is liable for only P1,000.00.¹⁰⁷ (Citations Omitted; italics supplied.)*

The apportionment of $\frac{3}{4}$ for the principals and $\frac{1}{4}$ for the accomplice would result in an absurd situation wherein Billones, as an accomplice, will end up paying a greater amount of ₱75,000.00 ($\frac{1}{4}$ of ₱300,000.00) than that of each of the principal who will pay only ₱37,500.00 each (₱225,000.00 divided by six principals after excluding Villarino). This apportionment is not what is contemplated in the Court's ruling in *Tampus* wherein it emphasized that care should also be taken in considering the number of principals versus that of accomplices or accessories, so as not to arrive at a solution wherein the accomplices or accessories will be paying a greater amount than that of the principals. Each principal should shoulder the greater share of the civil liability than that of each accomplice or accessory.

In the case, however, only the following are the accused-appellants, namely: Galicia, Demetilla, Sariago, Chiva, and Portugal.

Accused Billones, who was adjudged as the accomplice did not appeal the RTC Decision. Accused Ugat, Jr., a principal to the crime, did

¹⁰⁷ *Id.* at 329-330.

not appeal the CA Decision. On the other hand, accused-appellant Villarino died pending the instant appeal.

In short, the respective civil liabilities of the accused-appellants will vary depending on a computation that is fair and reasonable as regards their participation as principals and as an accomplice.

To be sure, there are eight participants in the commission of the crime of Kidnapping with Ransom in the case. The total civil liability to be paid by the accused/participants is ₱300,000.00 (₱100,000.00 each for civil indemnity, moral damages, and exemplary damages). Thus, the ratio of liability should be 1:1/2 whereby the liability of the accused adjudged as an accomplice should only be one half of the liability of the principal.

The amount ₱300,000.00 is to be divided by the eight accused/participants in the Kidnapping for Ransom, the result of which is equal to ₱37,500.00. But considering that Billones is merely an accomplice, his liability of ₱37,500.00 will be only ½ more or less of the principal's liability which is ₱18,750.00; and the balance of ₱18,750.00 to be apportioned and added to the liability of each accused/participant (principal and accomplice) which amount is (₱18,750.00 divided by 8) is equal to 2,343.75. Thus, the civil liability of each accused/participant is as follows:

Principals:

| | | |
|-----------|------------------------------|--------------|
| Galicia | - ₱37,500.00 plus P 2,343.75 | = ₱39,843.75 |
| Demetilla | - ₱37,500.00 plus P 2,343.75 | = ₱39,843.75 |
| Sariego | - ₱37,500.00 plus P 2,343.75 | = ₱39,843.75 |
| Chiva | - ₱37,500.00 plus P 2,343.75 | = ₱39,843.75 |
| Portugal | - ₱37,500.00 plus P 2,343.75 | = ₱39,843.75 |
| Ugat, Jr. | - ₱37,500.00 plus P 2,343.75 | = ₱39,843.75 |
| Villarino | - ₱37,500.00 plus P 2,343.75 | = ₱39,843.75 |

Accomplice:

| | | |
|----------|------------------------------|--------------|
| Billones | - P18,750.00 plus P 2,343.75 | = ₱21,093.75 |
|----------|------------------------------|--------------|

Total = ₱300,000.00

Indeed, when the civil liability of each of the principal is added to the civil liability of the accomplice, the sum total would be the amount of ₱300,000.00, the civil liability of all the accused in the commission of the crime of Kidnapping for Ransom.

To reiterate, (a) Billones did not appeal his conviction from the RTC to the CA;¹⁰⁸ (b) Ugat, Jr., did not appeal the CA decision to the Court;¹⁰⁹ and (c) Villarino died pending the instant appeal. Thus, the RTC Decision became final and executory as far as accused Billones is concerned; the CA Decision became final and executory also as far as Ugat, Jr. is concerned; and the criminal liability of Villarino is extinguished by reason of his death pending appeal. Under the circumstances, Section 11, Rule 122 of the Rules of Court finds application:

An appeal taken by one or more of the 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 a rule, the effects of an appeal can only bind the accused who appealed his or her conviction.¹¹⁰ However, when an appellate court renders a favorable judgment, the effects of such favorable judgment extend even to those who did not appeal, to the extent that such effects apply to their specific contexts.¹¹¹

As for Ugat, Jr., because he did not appeal his conviction in the CA to the Court, he is only bound by what is adjudged in the CA Decision. The Court's Decision will be unfavorable to him because his total civil liability of ₱32,142.85, as ruled by the CA, is increased to ₱39,843.75 here. Thus, his civil liability of ₱32,142.85 shall remain as adjudged by the CA.

As to Billones who did not appeal the RTC Decision to the CA wherein the RTC adjudged him liable to pay the amount of ₱25,000.00, the Court's Decision, which is favorable to him as regards his civil liability, shall apply to him. As discussed, the share of Billones is only ₱21,093.75 as compared to the ₱25,000.00 adjudged by the RTC.

¹⁰⁸ Brief for the Accused-Appellants, CA rollo, p. 77.

¹⁰⁹ Rollo, pp. 28-30.

¹¹⁰ *People v. Yanson*, G.R. No. 238453, July 31, 2019.

¹¹¹ *Id.*

As stated above, the civil liability of Villarino is extinguished by reason of his death pending the instant appeal.


WHEREFORE, the appeal is **DISMISSED**. The CA Decision dated January 31, 2017 in CA-G.R. CR-HC No. 05647 finding accused-appellants John Galicia y Galicia, Roger Demetilla y Gonzales, Leopoldo Sariego y Genito, Roger Chiva y Naval and Napoleon Portugal y Malate guilty beyond reasonable doubt of Kidnapping with Ransom as principals, and sentencing each of them to suffer the penalty of *reclusion perpetua* without parole is **AFFIRMED** with **MODIFICATION** in that:

(1) Accused-appellants John Galicia y Galicia, Roger Demetilla y Gonzales, Leopoldo Sariego y Genito, Roger Chiva y Naval and Napoleon Portugal y Malate, as principals, are each **ORDERED** to **PAY**, *jointly and severally*, Venilda Marcelo Ho the amount of ₱199,218.75 for the adjudged monetary award of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, in line with existing jurisprudence;


(2) Accused Amelito Billones y Allanares, as accomplice, is **ORDERED** to **PAY** only the amount of ₱21,093.75 to Venilda Marcelo Ho for the above-mentioned monetary award; and,

(3) The amounts due shall earn a legal interest of 6% *per annum* from the date of the finality of this Decision until full satisfaction thereof.


SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

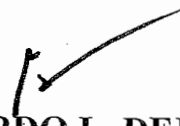
WE CONCUR:



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice



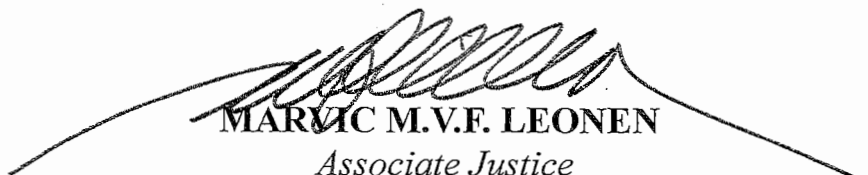
EDGARDO L. DELOS SANTOS
Associate Justice



JHOSEP LOPEZ
Associate Justice

ATTESTATION

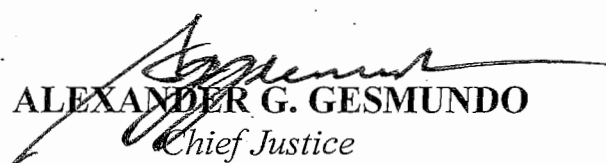
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII 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

