



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 235790
Plaintiff-appellee,

Present:

-versus-

MONICO D. SANTOS and
FRANCIS H. CANOZA,
Accused,

LEONEN, J., *Chairperson*,
LAZARO-JAVIER,
LOPEZ, M.*,
LOPEZ, J.,
KHO, JR., *JJ*.

MONICO D. SANTOS,
Accused-appellant.

Promulgated:
SEP 21 2022

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DECISION

LEONEN, J.:

The right against unreasonable searches and seizures is inviolable but susceptible to waiver. Thus, evidence obtained from warrantless searches and seizures is admissible upon showing that consent was freely and intelligently given.

This Court resolves the appeal¹ filed by Monico D. Santos (Santos) challenging the Decision² of the Court of Appeals, which, in turn, affirmed the Decision³ of the Regional Trial Court convicting Santos for the crime of

* On official business.

¹ *Rollo*, pp. 18–20.

² *Id.* at 2–17. The February 10, 2017 Decision in CA-G.R. CR-HC No. 07719 was penned by Associate Justice Rodil V. Zalameda (now a Member of this Court) and concurred in by Associate Justices Sesinando E. Villon and Pedro B. Corales of the Eleventh Division, Court of Appeals, Manila.

³ *CA rollo*, pp. 63–79. The December 18, 2014 Decision in Criminal Case No. 01-188232 was penned by Acting Presiding Judge Mona Lisa V. Tiongson-Tabora of the Regional Trial Court of Manila City, Branch 5.

kidnapping with double homicide in violation of Article 267 of the Revised Penal Code.⁴ Meanwhile, Francis H. Canoza (Canoza) was found guilty of acting as an accomplice.⁵

In an Information, Santos and Canoza were charged with the special complex crime of kidnapping with double homicide. The accusatory portion of the Information reads:

That on or about October 17, 2000 in the City of Manila and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there, willfully, unlawfully and feloniously take, carry away, detain and deprive EUNICE KAYE CHUANG, five (5) years old and her "yaya" JOVITA "BIBET" MONTECINO of their liberty against their will and thereafter brought to a house in Malolos, Bulacan where they were tied together in both hands and feet intertwined with each other with a nylon cord and electric wire, and then placed and left them in the ceiling of the house without food and water and as a result thereof, said EUNICE and JOVITA died of asphyxia by suffocation.

CONTRARY TO LAW⁶

Upon arraignment, both Santos and Canoza pleaded not guilty. Pre-trial followed, and upon its termination, trial on the merits then ensued.⁷

The prosecution presented the testimonies of: (1) See Pwe Eng (Pwe Eng); (2) Emily Chuang (Emily); (3) Dr. Paul Pierre F. Carpio (Dr. Carpio); (4) Colonel Cesar Mancao (Col. Mancao); (5) Police Chief Inspector Major Patrick Adanglao (PC/Insp. Adanglao); and (6) Police Chief Inspector Sotero Ramos (PC/Insp. Ramos).⁸

According to the prosecution, Pwe Eng hired Santos, a taxi driver, to bring her granddaughter Eunice Kaye Chuang (Eunice) to and from school. Pwe Eng met Santos through Bobby Cahilig (Cahilig) and Lito Nasayao (Nasayao), employees in their tofu factory.

At around 11:10 a.m. of October 17, 2000, Santos drove Pwe Eng and Jovita Montecino (Montecino), Eunice's *yaya*, to Eunice's school to fetch her. Pwe Eng then sent Eunice and Montecino home on board the taxi and walked back to the factory. While walking, Pwe Eng saw Santos's taxi had stopped and a man, later on identified as Santos's cousin Canoza, boarded the taxi.

⁴ *Id.* at 79.

⁵ *Id.*

⁶ *Rollo*, p. 4.

⁷ *CA rollo*, p. 64.

⁸ *Rollo*, p. 4.

At about 11:30 a.m., Pwe Eng called their house to check whether Eunice and Montecino have safely arrived. They had not. Pwe Eng called every hour after to check, but there were still no signs of the two. At around 1:30 p.m., Pwe Eng called Emily, her daughter and Eunice's mother, and told her to look for Eunice and Montecino. Emily then went to the police and then to Eunice's school, but they did not find the two. Emily sought the help of Cahilig and Nasayao to find Santos. They met up at the tofu factory and were joined by Emily's brother and Santos's nephew. At around 6:00 p.m. of the same day, they proceeded to Santos's house in Malolos, Bulacan. They found Santos, who told them that the child had been kidnapped.⁹ Emily noticed that Santos was trembling when they arrived.¹⁰

Santos claimed that the taxi was accosted by two or three men at Delpan Bridge, Manila. At gunpoint, one of the men opened the door and took Eunice and Montecino to another vehicle. Another man made Santos transfer to the passenger seat and took control of the taxi. They drove around Metro Manila until they reached Roosevelt Road and Quezon Avenue in Quezon City. There, Santos was left inside the taxi.¹¹ He explained to Emily that he did not report the incident because the kidnapers allegedly threatened him.¹²

Santos agreed to meet Emily the following day to make a statement with the authorities as a witness to the kidnapping incident. Prior to the meeting, Emily reached out to Col. Mancao, head of the Presidential Anti-Organized Crime Task Force (Task Force) – Luzon. Col. Mancao instructed PC/Insp. Adanglao to fetch the party at Parola. At the designated time, Emily met Santos at Parola. They proceeded to the Task Force Office in Camp Crame, Quezon City with Major Adanglao. There, PC/Insp. Ramos was assigned to investigate the case. He interviewed Emily and Santos. He recommended that Emily file a formal complaint with the Task Force Complaint and Action Division. Emily did so immediately and indicated Santos as a witness. She did not name any respondents as there were no suspects yet.¹³

PC/Insp. Adanglao's team, Emily, and Santos conducted an ocular inspection. They went to Delpan, Roosevelt, Luneta, and Quiapo to trace the route where the victims were abducted and where Santos was driven and abandoned. They finished the ocular inspection without any further leads. Santos then insisted that the group check his house. PC/Insp. Adanglao did not find any reason to do so, but Santos insisted saying, "Sir, kung gusto niyo, para maniwala kayo, tingnan natin ang aming bahay para makita ninyo na wala doon ang mga biktima."¹⁴

⁹ *Id.* at 66–67.

¹⁰ *Rollo*, p. 5.

¹¹ *CA rollo*, p. 67.

¹² *Rollo*, p. 6.

¹³ *CA rollo*, p. 67.

¹⁴ *Id.*

At around 7:00 p.m., the team arrived at Santos's house in Malolos, Bulacan. The lights were off, and Santos unlocked the door with his key and led the police officers inside. He guided them to every room and explained that his sister owned the house but that he lived there alone. After a cursory inspection, they found nothing significant. However, as they were about to leave, PC/Insp. Adanglao noticed an opening on the ceiling about 10 feet above the ground. It measured around 14 by 18 inches, big enough for a person to enter. PC/Insp. Adanglao instructed Senior Police Officer I Jose Gerod Esparcia (SPO1 Esparcia) to look inside the ceiling. Santos tried to deter them by saying, "Madumi diyan sir," but SPO1 Esparcia proceeded to inspect the ceiling by climbing a table and chair. There he discovered the lifeless bodies of Eunice and Montecino.¹⁵

PC/Insp. Adanglao told Santos about their discovery, and Santos's initial reaction was to say, "Buhay pa yan." When SPO1 Esparcia shouted from the ceiling, "Sir, patay na to," Santos cried. He admitted to abducting them. He also said that "dalawa po kami ni Francis ang nagdala diyan," implicating his cousin, Canoza.¹⁶

PC/Insp. Adanglao immediately reported the developments to Task Force Luzon Head Col. Mancao and called on a Scene of the Crime Operation team to process the crime scene. Police Officer III Bonifacio Linogan took photos of the bodies of Eunice and Montecino as they were found in the ceiling. Their mouths and noses were bloody. Their hands and feet were hogtied with nylon rope and electrical wire tethered to the house's beam. Police Inspector Benigno Asilar drew sketches of the house's layout and the relative positions of the bodies. Police Officer III Ricardo Serofia lifted palmprints and fingerprints off the plywood from where the bodies found. These prints were later examined against Santos's and Canoza's. According to the October 20, 2000 Dactyloscopy Report No. F-278-2000, one print matched Canoza's right index finger, while three prints matched Santos's right middle finger and left thumb.¹⁷

Medico-Legal Officer Dr. Carpio later conducted a postmortem examination on the bodies of Eunice and Montecino found out their cause of death was asphyxia by suffocation. Dr. Carpio also noted the abrasions on Eunice's frontal and right temporal region, which have been caused by her attempt to gasp for air over the hollow blocks, while noting a deep fresh laceration at 6:00 o'clock position on Montecino's genitalia. Dr. Caprio also saw a handkerchief which was used to gag the mouth of the child and a "morning towel" around the neck of Montecino to gag her. He further noted the presence of ligature marks on both victims.¹⁸

¹⁵ *Id.* at 67-68.

¹⁶ *Id.* at 68.

¹⁷ *Id.*

¹⁸ *Rollo*, p. 7.

Meanwhile, PC/Insp. Ramos proceeded to locate Canoza based on information provided by Santos. He proceeded to Canoza's house in Tondo, Manila, and informed him that something bad had happened to Eunice and Montecino. Canoza voluntarily went with PC/Insp. Ramos and Police Inspector Wilson Pedido to clear his name. At the Task Force Office, Pwe Eng coincidentally saw Canoza as he was being escorted to the second floor. She spontaneously pointed to Canoza and identified him as the man she saw boarding Santos's taxi after leaving Eunice's school. Pwe Eng repeated this identification on the witness stand during the trial. Canoza was thus transferred to the Legal Investigation Division.¹⁹

The defense presented the testimonies of: (1) Santos; (2) Canoza; (3) Jennette Tamayo (Tamayo); (4) Catalina Canoza (Catalina); and (5) Emmanuel Resurreccion (Resurreccion) to establish Santos's and Canoza's alibis.²⁰ PC/Insp. Adanglao and PC/Insp. Ramos was also called upon to testify that counsel did not assist Santos and that warrants were not obtained prior to the search of Santos's house and arrest of Santos and Canoza.²¹

The defense claimed that on October 18, 2000, Santos was at his sister's house when the Task Force operatives forcibly entered and subjected him to torture. Thereafter, he was brought to the Task Force Office at Camp Crame where he was placed in a cell and subjected anew to torture. This forced him to admit to the crimes of kidnapping with double homicide and of rape.²²

On the witness stand, Santos confirmed that he fetched Eunice and Montecino in his taxi on the day of the kidnapping. He admitted that their bodies were found in his sister's house, where he lived. He testified that he was arrested, and his house was searched without a warrant. In detention, he was tortured to the point that he felt like he had no other option but to admit to the accusations. He was also charged with Montecino's rape, but he said he was acquitted for the victim's failure to testify against him.²³ Despite the violation of his constitutional rights, Santos did not file any complaints. Instead, he requested to be confined in a hospital for a medical check-up.²⁴

In defense of Santos, Resurreccion testified that he had been Santos's neighbor and friend for two years. He claimed to have seen a Task Force police officer attempt to open the door to Santos's house with a set of keys. When this failed, the police officer was forced to open the door with a steel bar. Meanwhile, he saw Santos alight blindfolded from a vehicle with his

¹⁹ CA rollo, p. 68.

²⁰ *Id.* at 64.

²¹ *Id.* at 69.

²² Rollo, pp. 7-8

²³ CA rollo, pp. 69-71.

²⁴ *Id.* at 71.

hands tied. The trial court later found Resurreccion's testimony to contradict that which he gave in the rape case.²⁵

Canoza posited denial and alibi as a defense. On October 17, 2000, he fetched his girlfriend Tamayo to have lunch together. Later, he dropped her off and went to school. He was in bed by 10:00 p.m. The following day, he and Tamayo came home to two men who invited him to accompany them to Santos's house. They then brought him to Camp Crame, where he was tortured, compelling him to admit to participating in the kidnapping of the victims.²⁶

The trial court gave more credence to the testimonies and evidence of the prosecution. In its December 18, 2014 Decision,²⁷ the Regional Trial Court found Santos guilty beyond reasonable doubt of kidnapping with double homicide. Canoja was found guilty of serving as an accomplice to the crime. The dispositive portion of the Decision reads:

WHEREFORE, all premises considered, the accused **MONICO SANTOS [y] SANTOS** is hereby found guilty beyond reasonable doubt of the crime of Kidnapping with Double Homicide and is sentenced to **RECLUSION PERPETUA** with all its accessory penalties and without eligibility for parole under Act No. 4103.

Accused **FRANCIS CANOZA [y] HERVIAS** is likewise found guilty of the said crime as an **accomplice** and is hereby sentenced to an indeterminate penalty of **ten (10) years and one (1) day of PRISION MAYOR** as minimum period to **fifteen (15) years and six (6) months of RECLUSION TEMPORAL** as maximum. In the service of his sentence, he is hereby credited with the number of days he has undergone preventive imprisonment pursuant to Article 29 of the Revised Penal Code.

The accused are hereby ordered to pay P500,000.00 for moral damages and P75,000.00 by way of civil indemnity to the heirs of Eunice Kaye Chuang and are further ordered to pay the same amounts to the heirs of Jovita "Bibet" Montecino.

SO ORDERED.²⁸ (Emphasis in the original)

Canoza did not appeal his conviction. Meanwhile, Santos filed a Notice of Appeal²⁹ and the same was given due course. Santos argued that the circumstantial evidence against him was insufficient for a conviction.³⁰ He pointed to the inconsistencies in the testimonies of the prosecution's witnesses³¹ and the prosecution's failure to establish any motive for him to

²⁵ *Id.* at 72.

²⁶ *Id.*

²⁷ *Id.* at 63-79.

²⁸ *Id.* at 79.

²⁹ *Id.* at 18-19.

³⁰ *Id.* at 52-56.

³¹ *Id.* at 47-52.

commit the crime.³² Santos reiterated the alleged illegality of the search conducted in his sister's house.³³ Finally, he maintained his defense of denial.³⁴

The Office of the Solicitor General, on behalf of the People of the Philippines, maintained that the trial court correctly found the accused guilty beyond reasonable doubt.³⁵ All the elements of the crime charged were proven.³⁶ The Office of the Solicitor General posited that motive is irrelevant.³⁷ As to the police officers' failure to obtain a warrant prior to search resulting in the discovery of the victims' bodies, the Office of the Solicitor argued that the inspection that led to the discovery of the victims' bodies did not constitute a "search" as contemplated in the Constitution or in the Rules of Court.³⁸

In its February 10, 2017 Decision,³⁹ the Court of Appeals upheld the Regional Trial Court's finding that Santos was guilty beyond reasonable doubt of kidnapping with double homicide. It found no reason to reverse the trial court's findings, considering that Santos has not adduced any evidence to show he was physically coerced to make any adverse or demining admission. The dispositive portion of the Decision reads:

....

WHEREFORE, all premises considered, the accused **MONICO SANTOS y SANTOS** is hereby found guilty beyond reasonable doubt of the crime of Kidnapping with Double Homicide and is sentenced to **RECLUSION PERPETUA** with all its accessory penalties and without eligibility for parole under Act No. 4103.

Accused **FRANCIS CANOZA y HERVIAS** is likewise found guilty of the said crime as an **accomplice** and is hereby sentenced to intermediate penalty of **ten (10) years and one (1) day of PRISION MAYOR as minimum period to fifteen (15) years and six (6) months of RECLUSION TEMPORAL** as maximum. In the service of his sentence, he is hereby credited with the number of days he has undergone preventive imprisonment pursuant to Article 29 of the Revised Penal Code.

The accused-appellant and accused Canoza are hereby ordered to pay one hundred thousand pesos (P100,000.00) as and by way of moral damages, one hundred thousand pesos (P100,000.00) as and by way of civil indemnity and one hundred thousand pesos (P100,000.00) as and by way of exemplary damages to the heirs of Eunice Kay Chuang and are further ordered to pay the same amounts to the heirs of Jovita 'Bibet' Montecino.

³² *Id.* at 56.

³³ *Id.* at 57-59.

³⁴ *Id.* at 59-60.

³⁵ *Id.* at 97-104.

³⁶ *Id.* at 99-103.

³⁷ *Id.* at 102-103.

³⁸ *Id.* at 103-104.

³⁹ *Rollo*, pp. 2-17.

Accused-appellant shall further pay interest of six (6%) percent per annum from the date of finality of this judgment until it is fully paid on the amount of damages awarded.

....
SO ORDERED.⁴⁰ (Emphasis in the original)

Santos filed a Notice of Appeal, to which the Court of Appeals gave due course in the Resolution dated April 25, 2017.⁴¹

In its January 31, 2018 Resolution, this Court noted the case records and directed the parties to file their respective supplemental briefs.⁴²

The Office of the Solicitor General manifested that it would no longer file a supplemental brief.⁴³ Accused-appellant made a similar manifestation through his counsel.⁴⁴

The sole issue for this Court's resolution is whether or not accused-appellant Monico D. Santos is guilty beyond reasonable doubt of kidnapping with double homicide.

This Court dismisses the appeal and affirms the conviction of accused-appellant Monico D. Santos.

The right against unreasonable searches and seizures is constitutionally protected.⁴⁵ This right is sacrosanct⁴⁶ and inviolable.⁴⁷ Article III, Section 2 of the Constitution provides:

SECTION 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.⁴⁸

⁴⁰ *Id.* at 16.

⁴¹ *Id.* at 21.

⁴² *Id.* at 23–25.

⁴³ *Id.* at 25–27.

⁴⁴ *Id.* at 47–50.

⁴⁵ *Evardo v. People*, G.R. No. 234317, May 10, 2021, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67392>> [Per J. Leonen, Third Division].

⁴⁶ *Lapi v. People*, G.R. No. 210731, February 13, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64967>> [Per J. Leonen, Third Division].

⁴⁷ *Palencia v. People*, G.R. 219560, July 1, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66582>> [Per J. Leonen, Third Division].

⁴⁸ Const., Art. III, Sec. 2.

The general rule is that a judge must issue a warrant authorizing the search and seizure before one is implemented. Otherwise, the search and seizure is in violation of the Constitution, and the exclusionary rule applies. Article III, Section 3(2) of the Constitution dictates that any evidence obtained in violation of this right “shall be inadmissible for any purpose in any proceeding.”⁴⁹

The constitutional prohibition only contemplates unreasonable searches and seizures. This Court has recognized instances when warrantless searches and seizures may be reasonable:

1. Warrantless search incidental to a lawful arrest recognized under Section 12, Rule 126 of the Rules of Court and by prevailing jurisprudence;

2. Seizure of evidence in “plain view,” the elements of which are:

(a) a prior valid intrusion based on the valid warrantless arrest in which the police are legally present in the pursuit of their official duties;

(b) the evidence was inadvertently discovered by the police who had the right to be where they are;

(c) the evidence must be immediately apparent, and

(d) “plain view” justified mere seizure of evidence without further search;

3. Search of a moving vehicle. Highly regulated by the government, the vehicle’s inherent mobility reduces expectation of privacy especially when its transit in public thoroughfares furnishes a highly reasonable suspicion amounting to probable cause that the occupant committed a criminal activity;

4. *Consented warrantless search*;

5. Customs search;

6. Stop and Frisk; and

7. Exigent and Emergency Circumstances.⁵⁰ (Emphasis supplied, citations omitted)

In *Caballes v. Court of Appeals*,⁵¹ this Court discussed the requisites for a valid waiver of the right against obtrusive searches:

⁴⁹ Const, Art. III, Sec. 2.

⁵⁰ *Palencia v. People*, G.R. No. 219560, July 1, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66582>> [Per J. Leonen, Third Division] citing *People v. Aruta*, 351 Phil. 868 (1998) [Per J. Romero, Third Division].

⁵¹ 424 Phil. 263 (2002) [Per J. Puno, First Division].

In case of consented searches or waiver of the constitutional guarantee against obtrusive searches, it is fundamental that to constitute a waiver, it must first appear that (1) the right exists; (2) that the person involved had knowledge, either actual or constructive, of the existence of such right; and (3) the said person had an actual intention to relinquish the right.⁵²

This Court explained in *Veridiano v. People*⁵³ the nature and extent of the consent that must be given:

[The accused's] silence or lack of resistance can hardly be considered as consent to the warrantless search. Although the right against unreasonable searches and seizures may be surrendered through a valid waiver, the prosecution must prove that the waiver was executed with clear and convincing evidence. Consent to a warrantless search and seizure must be "unequivocal, specific, intelligently given... [and unattended] by duress or coercion."

The validity of a consented warrantless search is determined by the totality of the circumstances. This may involve an inquiry into the environment in which the consent was given such as "the presence of coercive police procedures."

Mere passive conformity or silence to the warrantless search is only an implied acquiescence, which amounts to no consent at all. In *Cogaed*, this Court observed:

Cogaed's silence or lack of aggressive objection was a natural reaction to a coercive environment brought about by the police officer's excessive intrusion into his private space. The prosecution and the police carry the burden of showing that the waiver of a constitutional right is one which is knowing, intelligent, and free from any coercion. In all cases, such waivers are not to be presumed.⁵⁴ (Citations omitted)

In *Acosta v. Ochoa*,⁵⁵ this Court reiterated the parameters discussed in *Caballex*⁵⁶ to determine whether there was valid consent to search one's home:

Doubtless, the constitutional immunity against unreasonable searches and seizures is a personal right which may be waived. The consent must be voluntary in order to validate an otherwise illegal detention and search, i.e., the consent is unequivocal, specific, and intelligently given, uncontaminated by any duress or coercion. Hence, consent to a search is not to be lightly inferred, but must be shown by clear and convincing evidence. The question whether a consent to a search was

⁵² *Id.*

⁵³ 810 Phil. 642 (2017) [Per J. Leonen, Second Division].

⁵⁴ *Id.* at 665-666.

⁵⁵ G.R. No. 211559, October 15, 2019,

<<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66039>> [Per J. Leonen, *En Banc*].

⁵⁶ 424 Phil. 263 (2002) [Per C.J. Puno, First Division].

in fact voluntary is a question of fact to be determined from the totality of all the circumstances. Relevant to this determination are the following characteristics of the person giving consent and the environment in which consent is given: (1) the age of the defendant; (2) whether he was in a public or secluded location; (3) whether he objected to the search or passively looked on; (4) the education and intelligence of the defendant; (5) the presence of coercive police procedures; (6) the defendant's belief that no incriminating evidence will be found; (7) the nature of the police questioning; (8) the environment in which the questioning took place; and (9) the possibly vulnerable subjective state of the person consenting. It is the State which has the burden of proving, by clear and positive testimony, that the necessary consent was obtained and that it was freely and voluntarily given.⁵⁷ (Citations omitted)

In cases involving the waiver of the right against unreasonable searches and seizures, events must be weighed in their entirety.⁵⁸

Both the trial court⁵⁹ and the Court of Appeals⁶⁰ found that accused-appellant consented to the search of his dwelling. Accused-appellant did not merely passively consent to a search. Instead, he initiated the re-inspection of his sister's house where he was living to demonstrate that he was not involved in the victims' disappearance. To be clear, Eunice's family and the police officers went to accused-appellant for leads where they might find Eunice and Montecino. They did not go to accused-appellant's house to conduct a search. Accused-appellant led them to where the kidnappers supposedly drove him around Metro Manila. The group had already concluded their ocular inspection and had no intention to return to Bulacan to check his house. However, upon accused-appellant's insistence, the police officers, accompanied by him, returned to his residence to conduct a search eventually resulting in the discovery of the victims' bodies.

Accused-appellant's act of volunteering his house for a search demonstrates his clear intent to waive his constitutional right to be secure against unreasonable searches and seizures. This Court has ruled that "[w]hen one voluntarily submits to a search or consents to have it made of his person or premises, he is precluded from later complaining thereof."⁶¹

Whether or not accused-appellant expected the police officers to find the bodies in the ceiling does not negate accused-appellant's valid consent to the search. In *Dela Cruz v. People*,⁶² this Court held:

We also cannot subscribe to petitioner's argument that there was no valid consent to the search because his consent was premised on his

⁵⁷ *Id.* at 281–282.

⁵⁸ *Dela Cruz v. People*, 776 Phil. 653 (2016) [Per J. Leonen, Second Division].

⁵⁹ CA rollo, p. 74.

⁶⁰ *Rollo*, pp. 13–14.

⁶¹ *People v. Malasugui*, 63 Phil. 221, 225–226 (1936) [Per J. Diaz, *En Banc*].

⁶² 776 Phil. 653 (2016) [Per J. Leonen, Second Division].

belief that there were no prohibited items in his bag. The defendant's belief that no incriminating evidence would be found does not automatically negate valid consent to the search when incriminating items are found. His or her belief must be measured against the totality of the circumstances.⁶³ (Citations omitted)

The search being valid, the pieces of evidence obtained are admissible. Thus, we can proceed to consider its weight and sufficiency.

Accused-appellant argued that the circumstantial evidence against him was insufficient for a conviction.⁶⁴

There is no rule that courts may only rely on direct evidence to convict an accused.⁶⁵ On the contrary, the difference between direct and circumstantial evidence does not relate to the probative value of the evidence.⁶⁶

In *Bacerra v. People*,⁶⁷ this Court differentiated the two kinds of evidence:

Direct evidence proves a challenged fact without drawing any inference. Circumstantial evidence, on the other hand, "indirectly proves a fact in issue, such that the factfinder must draw an inference or reason from circumstantial evidence."⁶⁸ (Citations omitted)

Otherwise stated, circumstantial evidence are "proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience."⁶⁹

The evidence presented in this case are circumstantial evidence as none of it directly speak to the actual kidnapping or killing of the victims.

Rule 133, Section 4 of the Rules of Court recognizes the sufficiency of circumstantial evidence and provides the requirements to sustain a conviction:

SECTION 4. Circumstantial evidence, when sufficient. —

⁶³ *Id.* at 689-690.

⁶⁴ *CA rollo* pp 47-52.

⁶⁵ *Bacerra v. People*, 812 Phil. 25-35 (2017) [Per J. Leonen, Second Division] citing *People v. Villagloros*, 685 Phil. 595, 614 (2013) [Per C.J. Bersamin, First Division] and *People v. Whisenhunt*, 420 Phil. 677, 696 (2001) [Per J. Ynares-Santiago, First Division].

⁶⁶ *Id.*

⁶⁷ 812 Phil. 25 (2017) [Per J. Leonen, Second Division]

⁶⁸ *Id.* at 35.

⁶⁹ *People v. ZZZ*, G.R. No. 228828, July 24, 2019 <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/i/65446> [Per J. Leonen, Third Division] citing *People v. Brotoia*, 762 Phil. 186-191 (2015) [Per J. Villarama, Jr., Third Division].

Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven;
and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.⁷⁰

This Court has long held that the commission of a crime, the identity of the perpetrator, and the finding of guilt may all be established by and rest solely on the strength of circumstantial evidence.⁷¹

Notably, the crime in this case involves a double homicide. Thus, a resort to circumstantial evidence is practically unavoidable because both victims could no longer testify.⁷²

The special complex crime of kidnapping with homicide is defined and punished under Article 267 of the Revised Penal Code:

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 abovementioned were presented 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

⁷⁰ Rules of Court, Section 4, Rule 133.

⁷¹ *Id.* see also *Cirera v. People*, 739 Phil. 25, 41 (2014) [Per J. Leonen, Third Division] and *People v. Villaflores*, 685 Phil. 595, 615–617 (2012) [Per J. Bersamin, First Division].

⁷² *People v. ZZZ*, G.R. No. 228828, July 24, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65446>> [Per J. Leonen, Third Division]; *People v. Broniola*, 762 Phil. 186, (2015) [Per J. Villarama, Jr., Third Division]; and *People v. Pascual*, 596 Phil. 260 (2009) [Per J. Leonardo-De Castro, *En Banc*].

penalty shall be imposed.

For a conviction of the special complex crime of kidnapping with homicide, each of the component offenses of kidnapping and homicide must be proven.⁷³ On the component offense of kidnapping and serious illegal detention, *People v. Fabro*⁷⁴ holds that:

The elements of Kidnapping and Serious Illegal Detention under Article 267 of the Revised Penal Code, as amended, are: (1) the offender is a private individual; (2) he kidnaps or detains another or in any other manner deprives the latter of his liberty; (3) the act of detention or kidnapping must be illegal; and (4) in the commission of the offense, any of the following circumstances is present: (a) the kidnapping or detention lasts for more than three days; or (b) it is committed by simulating public authority; or (c) serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made; or (d) the person kidnapped or detained is a minor, female, or a public officer. If the victim of kidnapping and serious illegal detention is a minor, the duration of his detention is immaterial.⁷⁵ (Citations omitted)

It has been established that accused-appellant is a private individual without legal grounds to detain the victims – one of whom is a minor while the other is female.

As to the element of kidnapping, *People v. De Guzman*⁷⁶ provides:

The essence of the crime of kidnapping is the actual deprivation of the victim's liberty, coupled with indubitable proof of the intent of the accused to effect the same. The crime of serious illegal detention consists not only of placing a person in an enclosure, but also of detaining him or depriving him in any manner of his liberty. When deprivation of liberty occurs under any of the circumstances listed under Article 267, paragraph 4 is present, the crime of kidnapping and serious illegal detention is consummated.⁷⁷ (Citations omitted)

Article 267 of the Revised Penal Code requires deprivation of liberty "in whatever form and for whatever length of time."⁷⁸ It is of no moment here that the victims may have boarded the vehicle voluntarily because they must have believed that accused-appellant was going to drive them home as usual. What is material is the act of the accused-appellant in detaining the victims against their will thereafter as established by the various circumstances.

⁷³ *People v. Larrañaga*, 466 Phil. 324 (2004) [Per curiam, *En Banc*].

⁷⁴ 813 Phil. 831 (2017) [Per J. Tijam, Third Division].

⁷⁵ *Id.*

⁷⁶ 773 Phil. 662 (2015) [Per J. Villarama, Jr., Third Division].

⁷⁷ *Id.* at 838.

⁷⁸ *People v. Baluya*, 664 Phil. 140, 150 (2011) [Per CJ. Peralta, Second Division].

First, accused-appellant had control of the vehicle, which carried away the victims.

Second, the victims were taken from Manila to Bulacan, a far place presumably foreign to the victims, especially to a five-year-old like Eunice. Leaving a child in a place from which he or she did not know the way home amounts to deprivation of liberty.⁷⁹ This is because the child's freedom remains at the mercy and control of the abductor.⁸⁰

Third, the victims were physically restrained. Their hands and feet were tied together and tethered to the wall, preventing them from fleeing. The victims were deprived of their liberty until they eventually died in the ceiling where they were detained.

On the component offense of homicide, *People v. Larrañaga*⁸¹ is most instructive:

Article 267 states that if the victim is killed or died as a consequence of the detention, or is raped or subjected to torture or dehumanizing acts, the maximum penalty shall be imposed. In *People vs. Ramos*, citing *Parulan vs. Rodas*, and *People vs. Mercado*, we held that this provision given rise to a special complex crime, thus:

“Prior to 31 December 1993, the date of effectivity of RA No. 7659, the rule was that where the kidnapped victim was subsequently killed by his abductor, the crime committed would either be a complex crime of kidnapping with murder under Art. 48 of the Revised Penal Code, or two (2) separate crimes of kidnapping and murder. Thus, where the accused kidnapped the victim for the purpose of killing him, and he was in fact killed by his abductor, the crime committed was the complex crime of kidnapping with murder under Art. 48 of the Revised Penal Code, as the kidnapping of the victim was a necessary means of committing the murder. On the other hand, where the victim was kidnapped not for the purpose of killing him but was subsequently slain as an afterthought, two (2) separate crimes of kidnapping and murder were committed.

However, RA No. 7659 amended Art. 267 of The Revised Penal Code by adding thereto a last paragraph which provides —

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.

⁷⁹ *People v. Castillo*, 469 Phil. 87, 109 (2004) [Per curiam, *En Banc*]; *People v. Bahuya*, 664 Phil. 140 (2011) [Per CJ. Peralta, Second Division; and *People v. Fabro*, 813 Phil. 831 (2017) [Per J. Tijam, Third Division].

⁸⁰ *Id.*

⁸¹ 466 Phil. 324 (2004) [Per curiam, *En Banc*].

This amendment introduced in our criminal statutes the concept of 'special complex crime' of kidnapping with murder or homicide. It effectively eliminated the distinction drawn by the courts between those cases where the killing of the kidnapped victim was purposely sought by the accused, and those where the killing of the victim was not deliberately resorted to but was merely an afterthought. Consequently, the rule now is: Where the person kidnapped is killed in the course of the detention, regardless of whether the killing was purposely sought or was merely an afterthought, the kidnapping and murder or homicide can no longer be complexed under Art. 48, nor be treated as separate crimes, but shall be punished as a special complex crime under the last paragraph of Art. 267, as amended by RA No. 7659."⁸² (Emphasis in the original and citations omitted)

From the foregoing discussion, accused-appellant's purpose to kill becomes immaterial. There is no dispute that the victims died as a consequence of the detention. Thus, the component offense of homicide has been established, and Article 267 directs that the maximum penalty shall be imposed.

The following circumstances lead to the inevitable conclusion that accused-appellant is the perpetrator guilty beyond reasonable doubt of kidnapping and killing Eunice and Montecino:

- (1) The victims were last seen alive in the taxi being driven by accused-appellant.
- (2) The victims' bodies were found in the ceiling of the house being occupied by accused-appellant alone.
- (3) Upon the discovery of the victims' bodies in accused-appellant's presence, he exclaimed, "Buhay pa 'yan!"
- (4) Accused-appellant's fingerprints were found around the area where the victims' bodies were found.

The alleged inconsistencies in the testimonies of the prosecution's witnesses only pertain to collateral and inconsequential matters. Accused-appellant calls this Court's attention to the variance in PC/Insp. Adanglao's testimony regarding who first noticed the opening in the ceiling. Accused-appellant also questioned PC/Insp. Adanglao's statements as to who unlocked the door to accused-appellant's house, what SPO1 Esparcia stepped on to reach the opening to the ceiling, and whether accused-appellant hesitated about searching the ceiling. Regardless of the foregoing,

⁸² *Id.* at 384-385.

it was established that the victims' bodies were found in the ceiling of accused-appellant's dwelling. Likewise, it does not matter who called the Scene of the Crime Operation team to the crime scene. Dr. Carpio's testimony on the processing of the scene and their findings was clear.

As against the prosecution's evidence, accused-appellant's denial cannot stand. Accused-appellant incredible claim that kidnappers abducted the victims then drove him around Metro Manila and abandoned him unharmed in Quezon City is insufficient to disprove the facts established by the prosecution.


This Court has consistently held that "factual findings of the trial court and its evaluation of the credibility of witnesses and their testimonies are entitled to great respect and will not be disturbed on appeal, unless the trial court is shown to have overlooked, misapprehended, or misapplied any fact or circumstance of weight and substance."⁸³ The trial court and the Court of Appeals did not commit errors or misapprehension of facts or evidence; thus, their findings are binding and conclusive on this Court.

ACCORDINGLY, the Appeal is **DISMISSED**. The February 10, 2017 Decision of the Court of Appeals in CA-G.R. CR-HC No. 07719 is **AFFIRMED with MODIFICATION**. Accused-appellant Monico D. Santos is found **GUILTY** beyond reasonable doubt of Kidnapping with Double Homicide and is sentenced to suffer the penalty of *reclusion perpetua* with all its accessory penalties and without eligibility for parole.

Accused-appellant Monico D. Santos and accused Francis H. Canoja are ordered to pay the heirs of Eunice Kaye Chuang and Jovita Montecino civil indemnity, moral damages, temperate damages and exemplary damages worth ₱100,000.00 each.

All damages awarded shall be subject to interest at the rate of six percent (6%) per annum from the finality of this Decision until their full satisfaction.⁸⁴

SO ORDERED.



MARVIC M.V.F. LEONEN
Senior Associate Justice

⁸³ *People v. Baron*, 776 Phil. 725, 734 (2016) [Per J. Leonen, Second Division].

⁸⁴ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, *En Banc*].

WE CONCUR:


AMY C. LAZARO-JAVIER
Associate Justice


On official business
MARIO V. LOPEZ
Associate Justice


JHOSEP V. LOPEZ
Associate Justice


ANTONIO T. KHO, 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.


MARVIC M.V.F. LEONEN
Acting Chief Justice
Per S.O. No. 2914 dated
September 15, 2022