

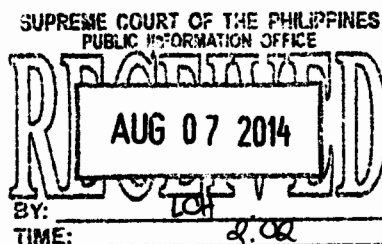


Republic of the Philippines

Supreme Court

Manila

FIRST DIVISION



## NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **July 9, 2014** which reads as follows:*

**“G.R. No. 208014 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus ROGELIO DELA CRUZ y RAMOS, accused-appellant.**

Appellant appeals the February 28, 2013 Decision<sup>1</sup> of the Court of Appeals (CA) which affirmed the judgment<sup>2</sup> of the Regional Trial Court (RTC), Branch 72, of Antipolo City, convicting him of kidnapping and serious illegal detention of 15-month-old James Dominic Flores.

Summarily, the prosecution proved the following facts: At around 1 o'clock in the afternoon of March 10, 2003, Stephen Yu, James's stepfather, went out of their house at No. 2 Opal Road, Greenheights Subdivision, Taytay, Rizal to look for James and their two housemaids. As James and the two housemaids were nowhere to be found despite diligent search in the subdivision, he reported James's disappearance to the police. The Police Anti-Crime Emergency Response (PACER) helped him to look for James but to no avail.<sup>3</sup>

Upon reaching home, James's mother, Jocelyn Flores informed him that they received a ransom call from a caller who identified himself as *Ka Boy*. The caller demanded ₱5,000,000 in cash, two armalite rifles, and two .45-caliber pistols in exchange for James's liberty. Stephen, however, was able to negotiate the reduction of the ransom to ₱350,000.<sup>4</sup>

<sup>1</sup> *Rollo*, pp. 2-12. Penned by Associate Justice Angelita A. Gacutan with Associate Justices Fernanda Lampas Peralta and Francisco P. Acosta concurring. The assailed decision was rendered in CA-G.R. CR-H.C. No. 04589.

<sup>2</sup> *CA rollo*, pp. 12-17. Penned by Judge Ruth D. Cruz-Santos.

<sup>3</sup> *Rollo*, pp. 3-4; *CA rollo*, pp. 12-13.

<sup>4</sup> *Id.* at 4; *id.* at 13.

- over – five (5) pages .....

With the assistance of the PACER, Stephen contacted *Ka Boy* for the delivery of the ransom. *Ka Boy* instructed Stephen to proceed to the Expressway in Pampanga. Stephen and the police prepared the ransom and proceeded to Pampanga. Stephen parked his car at a Caltex station along the expressway to wait for further instructions. He was again called by *Ka Boy* and was instructed to walk alone towards the San Simon exit and to give the ransom to a middle-aged man wearing eyeglasses, polo shirt, maong pants, and rubber shoes. When Stephen saw the man, he handed the ransom and told the man, "*paki abot ito kay Erning.*" Thereafter, Stephen proceeded to his car and waited for James. But James did not appear. Stephen then contacted the kidnappers who told him to go to Farmer's Cubao. Again, James did not appear in Farmer's Cubao. Stephen was later told by the kidnappers that James would be returned to them at the corner of EDSA and Aurora Boulevard. There, James was finally returned to his mother Jocelyn.<sup>5</sup>

After a few days, the PACER reported that a kidnapper had been arrested and invited James's parents to identify the person arrested. According to the PACER, they were conducting surveillance when James was handed to Jocelyn who was inside a Pajero. When the Pajero left, they arrested appellant and recovered a cellphone with the SIM card number used by the kidnappers in communicating with James's parents. During trial, Jocelyn positively identified appellant as the person who brought James to her.<sup>6</sup>

On the other hand, appellant denied that he kidnapped James. Appellant claimed that he was selling cigarettes in Luneta when a certain Ernesto Alimoot (Mang Erning) and Dado asked him to go with them to see his *kumpare*. Appellant claimed that he could not refuse Mang Erning because the latter had done many good things to him. After boarding a vehicle, appellant was given new clothes. When they arrived at a gasoline station in the North Expressway, he was asked to change his clothes. They waited for Mang Erning's *kumpare* to deliver a "piyesa." After Mang Erning made several calls, they proceeded to the bridge where appellant was told that Mang Erning's *kumpare* would be late and that he would have to wait for him. He waited for an hour and was instructed by Dado to walk around so that Mang Erning's *kumpare* would see him.<sup>7</sup>

When Mang Erning's *kumpare* finally arrived, the latter handed to him a plastic bag and told him to give it to Ka Erning. After some time, his cellphone rang and he told the caller that he has the "piyesa." He was told to go to a nearby Chowking restaurant where he boarded Mang Erning's car. From there, they went back to Manila.<sup>8</sup>

---

<sup>5</sup> Id.; id.

<sup>6</sup> Id. at 4-5.

<sup>7</sup> Id. at 5-6; CA *rollo*, p. 15.

<sup>8</sup> Id. at 6; id.

Appellant further testified that Mang Erning told him to bring the child of his *kumpare* across from where they were parked in EDSA and to wait for someone to pick up the child. He carried the child and feeding bottles, crossed EDSA, and waited until a vehicle stopped with a woman inside. The woman told him to give the child to her and then thanked him. After the vehicle left, the police immediately arrested him.<sup>9</sup>

The RTC found appellant guilty beyond reasonable doubt of kidnapping and sentenced him to suffer the penalty of *reclusion perpetua* and to pay ₱50,000 in damages. The RTC held that while the imposable penalty is death since the kidnapping was committed for the purpose of extorting ransom, the penalty is reduced to *reclusion perpetua* in view of the abolition of the death penalty. The trial court held that the prosecution has established appellant's identity and participation in the crime. The trial court said that appellant's actions do not conform to human experience for he could have asked Mang Erning why he was asked to receive a bag containing a huge amount of money and thereafter give the child to someone without even describing the person who would receive the child.<sup>10</sup>

On appeal, the CA affirmed the decision of the RTC but modified the amount of damages awarded. It ordered appellant to pay Stephen and Jocelyn ₱350,000 as actual damages, and to pay James ₱75,000 as civil indemnity, ₱75,000 as moral damages, and ₱30,000 as exemplary damages. The CA found that the prosecution had established appellant's participation in the kidnapping. The events that transpired during and after the kidnapping shows that he acted in concert with his co-accused in committing the crime. Appellant admitted that he was the one who received the ransom money from Stephen and that he was the one who delivered the child to Jocelyn. The cellphone and the SIM card number that was used in the negotiation were also recovered from appellant. And except for appellant's bare denial, he failed to present any exculpatory evidence.<sup>11</sup>

After a careful review of the records of this case and the parties' submissions, the Court finds no cogent reason to disturb the decision of the CA. It has been consistently held that in criminal cases, the evaluation of the credibility of witnesses is addressed to the sound discretion of the trial judge, whose conclusion thereon deserves much weight and respect because the judge has the direct opportunity to observe them on the stand and ascertain if they are telling the truth or not. This deference to the trial court's appreciation of the facts and of the credibility of witnesses is consistent with the principle that when the testimony of a witness meets the test of credibility, that alone is sufficient to convict the accused. This is especially true when the factual findings of the trial court are affirmed by

<sup>9</sup> Id.; id.

<sup>10</sup> CA *rollo*, pp. 16-17.

<sup>11</sup> *Rollo*, pp. 8-11.

the appellate court.<sup>12</sup> Absent any showing that the lower courts overlooked, misunderstood or misappreciated substantial facts and circumstances, which if considered would change the result of the case, this Court gives deference to the trial court's appreciation of the facts and of the credibility of witnesses. Notably, while appellant testified that he was merely helping Mang Erning and the latter's *kumpare*, he also admitted receiving the ransom money and giving James to Jocelyn. This corroborated the testimonies of the prosecution witnesses of what transpired during the kidnapping incident.

As regards the amount of damages awarded to James however, we deem it proper to increase the amount of civil indemnity and moral damages to ₱100,000 each and also the exemplary damages to ₱100,000 in line with the latest jurisprudence on the matter.

**WHEREFORE**, the February 28, 2013 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 04589 affirming the conviction of appellant Rogelio Dela Cruz y Ramos for the crime of kidnapping and serious illegal detention is **AFFIRMED with MODIFICATIONS** in that the award of civil indemnity, moral and exemplary damages is increased to ₱100,000 each.

Interest at the rate of six percent (6%) per annum on all damages awarded in this case reckoned from the finality of this resolution until fully paid shall likewise be paid by appellant.

With costs against the appellant.

The Court further resolves to **NOTE**:

- (1) the manifestation in lieu of supplemental brief of the Public Attorney's Office, counsel for accused-appellant, that after a careful review of the facts and defenses raised in its brief, it is adopting all the defenses and arguments raised in its brief for it has already taken up therein all relevant matters; and

- over -

83



---

12 *People v. Obina*, G.R. No. 186540, April 14, 2010, 618 SCRA 276, 281.

- (2) the Office of the Solicitor General's manifestation and motion, stating that for expediency and to avoid prolix repetition of arguments, it is adopting its Appellee's Brief dated September 21, 2011 as its supplemental brief for it has already made therein an exhaustive and extensive discussion of the issues.

**SO ORDERED.” REYES, J.**, on leave; **MENDOZA, J.**, acting member per S.O. No. 1715 dated July 1, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court <sup>7th</sup>  
**83**

The Solicitor General (x)  
Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR H.C. No. 04589)

The Hon. Presiding Judge  
Regional Trial Court, Br. 72  
1870 Antipolo City  
(Crim. Case No. 03-25336)

PUBLIC ATTORNEY'S OFFICE  
Counsel for Accused-Appellant  
DOJ Agencies Bldg.  
1128 Diliman, Quezon City

Mr. Rogelio Dela Cruz  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

The Director  
Bureau of Corrections  
1770 Muntinlupa City

Public Information Office (x)  
Judgment Division (x)  
Supreme Court

Library Services (x)  
Supreme Court  
(Pursuant to A.M. No. 12-7-1-SC)

SR