

## SECOND DIVISION

[ G.R. No. 231884, June 27, 2018 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
MICHELLE PARBA-RURAL AND MAY ALMOHAN-DAZA, ACCUSED-  
APPELLANTS.**

### D E C I S I O N

**PERALTA, J.:**

This is to resolve the appeal of accused-appellants Michelle Parba Rural and May Almohan-Daza (*appellants*) that seeks to reverse and set aside the Decision<sup>[1]</sup> dated October 5, 2016 of the Court of Appeals (CA) in CA-G.R. CR H.C. No. 05789, affirming the Decision<sup>[2]</sup> dated July 31, 2012 of the Regional Trial Court (RTC), Branch 223, Quezon City finding the same appellants guilty beyond reasonable doubt of the crime of kidnapping for ransom.

The facts follow.

Around 9 o'clock in the morning of December 28, 2007, Nenita Marquez (*Nenita*) was about to cross Commonwealth Avenue from Fairview Market to Mercury Drug Store when she was forcibly abducted by appellants and boarded in a Ford Fiera van. There were six (6) of them inside the vehicle, three (3) men and three (3) women. They were inside the same vehicle for two (2) hours. The said persons repeatedly demanded from Nenita that she give them jewelry and money in exchange for her freedom. They also told her to cooperate or otherwise, they will hurt her and her family. Thereafter, they asked her to alight from the vehicle together with the appellants and the other woman companion. Nenita and the three (3) women hailed a taxi and upon boarding, the latter asked Nenita where her house was located. When they reached Nenita's house, the three (3) women reminded her not to tell anyone what was happening. Nenita and the three (3) women proceeded to the former's room wherein she took her pieces of jewelry amounting to P3,000,000.00. Afterwards, Nenita and the three (3) women boarded the same taxi cab and went outside the subdivision where the Ford Fiera van was parked. Nenita was then forced to give up all her pieces of jewelry to one of her captors. After the captors asked Nenita where her bank was located, the latter was brought to the Philippine National Bank (PNB) near the Bureau of Internal Revenue (BIR) in Quezon City where Nenita has a time deposit in the amount of P400,000.00. The appellants accompanied Nenita to the bank in order to withdraw the entire amount in the latter's time deposit. Nenita told the account officer of the bank, Mel Alvin Moreno, to immediately preterminate her time deposit account and release her money. While waiting for the approval of the pre-termination, Nenita saw her driver, her daughter and two (2) police officers enter the bank which prompted her to seek for help. The appellants were then arrested.

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

That on or about the 28<sup>th</sup> day of December, 2007, in Quezon City, Philippines, the said accused, conspiring and confederating with other persons, whose true identities, whereabouts and other personal circumstances of which have not yet been ascertained, and mutually helping one another and for the purpose of obtaining valuable items such as jewelries in the amount of P3,000,000.00 Philippine Currency, from one NENITA MACALOS-MARQUEZ, did then and there willfully, unlawfully and feloniously kidnap and carry away in a motor vehicle, detained and threaten her that something will happen to her and her family if the desired said valuable items worth Php3,000,000.00 could not be given, to the damage and prejudice of the said NENITA MACALOS-MARQUEZ.

CONTRARY TO LAW.<sup>[3]</sup>

The prosecution presented the testimonies of Nenita, Ana, Nenita's daughter, P03 Perez, one of the police officers who responded to Ana's report and Mel Alvin Moreno, account officer at the PNB, BIR Branch.

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

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

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

SO ORDERED.<sup>[4]</sup>

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

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

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

SO ORDERED.<sup>[5]</sup>

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

In their Brief, appellants assigned the following errors:

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

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

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

The appeal is unmeritorious.

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

Article 267. Kidnapping and serious illegal detention. - Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of *reclusion perpetua* to death:

1. If the kidnapping or detention shall have lasted more than three days.
2. If it shall have been committed simulating public authority.
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.
4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer.

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any

other person, even if none of the circumstances above-mentioned were present in the commission of the offense.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed.

In prosecuting a case involving the crime of kidnapping for ransom, the following elements must be established: (i) the accused was a private person; (ii) he kidnapped or detained, or in any manner deprived another of his or her liberty; (iii) the kidnapping or detention was illegal; and (iv) the victim was kidnapped or detained for ransom.<sup>[7]</sup> Ransom means money, price or consideration paid or demanded for the redemption of a captured person that will release him from captivity.<sup>[8]</sup> No specific form of ransom is required to consummate the felony of kidnapping for ransom as long as the ransom is intended as a bargaining chip in exchange for the victim's freedom.<sup>[9]</sup> The amount of, and purpose for, the ransom is immaterial.<sup>[10]</sup>

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

ATTY. LEGASPI

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

A: I think it was a Ford Fiera.

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

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

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

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

Q: And what was your reaction?

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

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

A: They squeezed me inside the vehicle, sir.

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

A: The vehicle was going towards Regalado Street.

x x x x

Q: And at that point when the said vehicle had reached Regalado Avenue,