

SECOND DIVISION

[G.R. No. 218911, August 23, 2017]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
LEONARDO SIAPNO, ACCUSED-APPELLANT.**

D E C I S I O N

PERALTA, J.:

This is an appeal from the September 24, 2014 Decision^[1] of the Court of Appeals (CA) in CA-G.R. C.R. HC No. 05646, which affirmed with modification the June 22, 2012 Decision^[2] of the Regional Trial Court (RTC), Branch 94, Quezon City, convicting accused-appellant Leonardo Siapno (*Siapno*) of the crime of Serious Illegal Detention under Article 267 of the Revised Penal Code (RPC).

The Information dated July 31, 2009 alleged:

That on or about the 30th day of July, 2009, in Quezon City, Philippines, the said accused, a private individual, did then and there, willfully, unlawfully and feloniously detain and threaten to kill one CHLOE TIBAY y CAPISONDA, a minor, 1 year old, thereby depriving the said offended party of her liberty, to the damage and prejudice of the said CHLOE TIBAY y CAPISONDA.

CONTRARY TO LAW.^[3]

In his arraignment, Siapno entered a plea of not guilty.^[4] Trial ensued while he was detained at the Quezon City jail.^[5]

The prosecution presented Dulce Corazon C. Tibay (*Dulce*), Edgar V. Ramel (*Edgar*), Joselito S. Campo (*Joselito*), and Dr. Shanne Lore Dettabali (*Shanne*). Only Siapno testified for the defense. Their testimonies revealed as follows:

On July 30, 2009, Dulce was at home together with her one year and seven month old daughter, Chloe Tibay (*Chloe*). At around 2:00 p.m., somebody knocked at their gate so she opened it while carrying Chloe. A man, who introduced himself as Ryan delos Reyes from Morong, Rizal, was looking for her husband, Ronald Tibay (*Ronald*), and requested to talk to him so that he could relay to his brother, Arnold Tibay (*Arnold*), to end his relationship with a certain Len delos Reyes (*Len*). She told him to return on a Sunday since Ronald was not around. The man left, but returned 15 minutes later to tell that he could not wait for Sunday. She then called her husband to ask him if she could just give his cellphone number for them to talk, as to which Ronald agreed. The man left and went to a street corner to call Ronald. Thereafter, he returned and told that he was not able to talk to him. He then pushed the gate and grabbed Chloe. He poked a fan knife ("*balisong*") at the child's neck and dragged Dulce inside the house. The man told her that "*madadamay ang anak mo, papatayin ko ito,* " but she pleaded to him. She struggled to be released and

was able to ran out of the gate and seek help from a passerby, who called the *barangay tanods* or Barangay Police Security Officers (*BPSOs*) of Barangay Roxas, Quezon City. Meantime, the man went inside the comfort room (*CR*) of the house and locked himself up together with Chloe, who was scared and crying. After about three minutes, the *BPSOs* arrived. They went inside the house and negotiated with the man. Several minutes passed, one of the *BPSOs* went out from the *CR* together with the child and gave Chloe to Dulce. Subsequently, they proceeded to the *barangay* hall to report the incident in the blotter and then to the Kamuning Police Station where she gave a sworn statement and came to know of the real name of the man as accused-appellant Siapno. Moreover, a medico-legal examination was conducted on Chloe.

Edgar, who was a *BPSO*, testified that there was a hostage taking that took place about 2:30 p.m. on July 30, 2009. When the desk officer-on-duty received a call about the incident, he and other *BPSOs* Joselito Campo (*Joselito*), Leonardo^[6] Cacdac (*Cacdac*), Leonardo Marquez (*Marquez*), and Teodolfo^[7] Bantay (*Bantay*) immediately proceeded to No. 15 Jasmin Street, Roxas District, Quezon City. Upon arrival at the place, Dulce, who was crying, approached them and asked helped, telling that her daughter was taken away by Siapno who poked a knife at her neck and brought her inside their house. They immediately went inside the house and discovered that Siapno was inside the *CR* since they could hear a child crying therein. They then talked to him, telling him to surrender and that the policemen were coming. Minutes after, Siapno told them that he would voluntarily surrender. Later, he suddenly opened the door, threw a knife inside the *CR*, and released the child, who was immediately taken by Bantay. The *tanods* brought Siapno, Dulce, and Chloe to the *barangay* hall and to the police precinct. Edgar noticed that Chloe sustained an injury in the neck caused by the knife which they confiscated from Siapno. Said knife was brought to the court by its custodian, SPO1 Gina Abay. Edgar identified it as the same knife which they took from the possession of Siapno. The prosecution and the defense stipulated that SPO1 Abay was the one who investigated Dulce.

Joselito corroborated the testimony of Edgar. He declared that while they were roving the area around 2:00 p.m. on July 30, 2009, somebody called them *via* radio requesting for help. He responded together with Edgar, Cacdac, Marquez, and Bantay. When they arrived at Dulce's residence, there was a commotion inside because Siapno got her child ("*kinuha nya yong bata*"). Dulce was in the garage, while they could hear Chloe crying inside the *CR*. They tried to open its door, but it was locked. They talked to Siapno, telling him to go out since the *tanods* were there and that the policemen were arriving. About five minutes after, Siapno opened the door, handed over the child, and threw the fan knife at the *CR*'s floor. Joselito took the knife and gave it to Bantay. They then went to the *barangay* hall to have the incident entered in the blotter.

Upon the request of the Chief of Police of QCPD Station 10, Dr. Shanne, who was the Medico-Legal Officer of the Quezon City Police District Crime Laboratory, conducted the physical examination of Chloe. Based on her medico-legal report, she found reddening of the right clavicular line area of the child which may have been caused by a knife that is not sharp, or one that is pointed but does not touch the skin or no pressure was employed.

On the other hand, Siapno claimed that he has known Dulce a long time ago as she is the wife of Ronald, who is the cousin of his (Siapno) cousin, Samuel Tibay, Jr. He

met her on several occasions every time they (Dulce's family) would go to Pililia, Rizal. On July 30, 2009, he went to Ronald's residence because he wanted to talk to him about his brother's relationship with Len, who is the wife of his brother, Marcelino Siapno. Dulce told him to come back on Sunday because her husband was at work. Considering that he came all the way from Pililia, he requested if he could just call him. When Dulce gave Ronald's cellphone number, he tried to find a pay phone in the nearby market of Roxas District but to no avail. When he went back, Dulce got angry at him as she opened the gate. She called him *makulit*, uttered harsh words, and demanded that their family leave their place in Pililia because it belongs to her husband. They had a verbal altercation. Dulce, who was carrying Chloe in her left arm, tried to close the gate, but he pushed it and managed to enter. As if scared, she suddenly shouted and became hysterical. Despite his effort to prevent her from getting out, she was able to run outside while screaming. In the process, he got hold of Chloe and was left in his arms. He was surprised. Less than five minutes later, the BPSOs arrived as he stood in the driveway carrying the child. They told him to give Chloe, which he immediately did. Subsequently, he was handcuffed, brought to the *barangay* hall, and turned over to Police Station 10. He denied the commission of the acts imputed against him and surmised that the case was fabricated by Dulce in view of his family's refusal to vacate their residence in Pililia, with respect to which there is a pending land dispute.

On June 22, 2012, the RTC convicted Siapno of the crime charged. The fallo of the Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Leonardo Siapno Guilty beyond reasonable doubt of the crime of Serious Illegal Detention and is sentenced to suffer the penalty of **RECLUSION PERPETUA** and to pay the costs.

SO ORDERED.^[8]

According to the trial court, all the elements of serious illegal detention under Article 267 of the RPC are present in this case: (1) Siapno is a private individual, being a technician by profession; (2) he forcibly took custody of Chloe without the intention of giving her up until and unless his demand to talk to Ronald was met; (3) his detention of the victim was unwarranted because he had no legal justification in taking custody of the child, much more of bringing her inside the CR; and (4) at the time of the commission of the offense, Chloe was a minor, being only one year, seven months, and twenty-seven days old.

The appeal was found to be without merit. The CA affirmed the judgment of conviction, but modified the penalty imposed. It ordered:

WHEREFORE, in light of all the foregoing, the judgment dated June 22, 2012 of Branch 94 of the Regional Trial Court of Quezon City in Criminal Case No. Q-09-160093 is hereby **AFFIRMED with MODIFICATION**.

Accused-appellant Leonardo Siapno is hereby found guilty beyond reasonable doubt of the crime of Serious Illegal Detention and is meted the penalty of reclusion perpetua. He is likewise ordered to pay the victim, Chloe Capisonda Tibay, the amount of P50,000.00 as civil indemnity and P50,000.00 as moral damages, which shall bear interest at the rate of six percent (6%) per annum, until fully paid.