

FIRST DIVISION

[G.R. No. 203961, July 29, 2015]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RODERICK LICAYAN, ROBERTO LARA AND ROGELIO "NOEL"
DELOS REYES, ACCUSED-APPELLANTS.**

D E C I S I O N

LEONARDO-DE CASTRO, J.:

On August 15, 2001, this Court affirmed the Decision of the Regional Trial Court (RTC) of Marikina City convicting two of herein accused appellants, Roderick Licayan (Licayan) and Roberto Lara (Lara), of the crime of Kidnapping for Ransom and sentencing them to death. The dispositive portion of this Court's August 15, 2001 Decision states:

WHEREFORE, the decision of the Regional Trial Court, Branch 272, Marikina City finding accused-appellant RODERICK LICAYAN and ROBERTO LARA guilty beyond reasonable doubt of the crime of Kidnapping for Ransom and sentencing each of them to death is AFFIRMED with MODIFICATION that each of the accused-appellants is ORDERED to pay P50,000.00 as moral damages to each of the complainants. The award of P20,000.00 as actual damages made in favor of complainant Joseph Co is deleted. Costs against accused-appellants.

In accordance with Section 25 of R.A. 7659, amending Art. 83 of the Revised Penal Code, upon the finality of this decision, let the records of this case be forthwith forwarded to the President of the Philippines for the possible exercise of the pardoning power.^[1]

The Motion for Reconsideration of Licayan and Lara was denied by this Court in a Resolution dated October 9, 2001. The Decision became final and executory on November 9, 2001. On November 18, 2003, the trial court issued a Writ of Execution ordering the execution of Licayan and Lara on January 30, 2004 at 3:00 p.m.

Before the date of Licayan and Lara's scheduled execution, and with the torrent of initiatives sparked by the passionate national debate on the morality of capital punishment, two of their co-accused in the original Information were arrested. On January 9, 2004, Pedro Mabansag (Mabansag), a double arm amputee and suspected mastermind of the kidnapping of Joseph Tomas Co and Linda Manaysay, was arrested at Sitio Lanipga, Barangay Magsaysay, Escalante City. On January 12, 2004, Rogelio Delos Reyes (Delos Reyes) was arrested at Barangay Bayang Marihatag, Agusan del Sur.

In light of these arrests, the Public Attorney's Office (PAO) filed with this Court on January 15, 2004 (which was 15 days before the scheduled execution of Licayan and

Lara) an Urgent Motion to Reopen the Case with Leave of Court. Pending resolution of the Urgent Motion, this Court, by a vote of 7-6, issued a Resolution on January 26, 2004 ordering the temporary suspension of the execution of Licayan and Lara for a period of 30 calendar days.^[2] On February 17, 2004, this Court, voting 8-6, issued a Resolution, the dispositive portion of which states:

IN VIEW OF THE FOREGOING, the Court resolves to GRANT *pro hac vice* the Urgent Motion to Re-Open the Case with Leave of Court. Accordingly, the execution of the Decision of this Court dated August 15, 2001 is suspended. The records of the case are hereby REMANDED to the lower court for further reception of evidence pursuant to Section 2 (b), Rule 121 of the Rules of Court, together with the trial of accused Rogelio delos Reyes and Pedro Mabansag. In accordance with Section 6(b) and (c), Rule 121 of the Rules of Court, **insofar as the accused Roberto Lara and Roderick Licayan is concerned, the evidence already taken shall stand and the additional evidence as the trial court may, in the interest of justice, allow to be introduced shall be taken and considered with the evidence already in record.** Towards this end, the Court directs Hon. Reuben P. dela Cruz, Presiding Judge of the Regional Trial Court, Marikina City, Branch 272, to hear the case of the accused Roberto Lara and Roderick Licayan, and thereafter report to this Court with deliberate dispatch.

Let copies of this Resolution be personally served on the Office of the President and the Director of the Bureau of Corrections.^[3]

On April 19, 2005, Mabansag and Delos Reyes were finally arraigned and pleaded not guilty to the crimes charged in the Informations under which their co-accused Lara and Licayan were previously indicted. We quote the material portions of said Informations here:

Crim. Case No. 98-2605-MK

That on or about August 10, 1998 at around 1:45 a.m., the above named accused, conspiring, confederating and mutually helping one another, armed with a handgun and with evident premeditation, did then and there willfully, unlawfully and feloniously with the use of force and intimidation kidnap JOSEPH TOMAS CO and LINDA MANAYSAY for the purpose of extorting ransom in the amount of P10 million at Goodies Pares Mami House located at Loyola cor. Constanacia St., Sampaloc, Manila, owned and managed by the aforementioned victim Co and thereafter took them with the use of Toyota Tamaraw FX likewise owned by Co as getaway vehicle to a house in Daang Bakal, Parang, Marikina and within the jurisdiction of this Honorable Court where they were kept under detention against their will until they were able to escape the following day at around 4:30 in the afternoon on August 11, 1998.^[4]

Crim. Case No. 98-2606-MK

That on or about August 10 and 11, 1998 at Daang Bakal, Parang, Marikina City and within the jurisdiction of this Honorable Court, the above-named accused, armed with a handgun and with intent to gain,

conspiring, confederating and mutually helping each other, by means of force and intimidation, did then and there willfully, unlawfully and feloniously take and divested (sic) JOSEPH TOMAS CO and LINDA MANAYSAY of the following personal properties after forcibly taking them as hostages for ransom, to wit:

1. Wallet of Co containing his driver's license, original copy of official receipt (OR), certificate of registration (CR) of his two (2) L-300 vans;
2. Bank time deposit certificate at Metrobank, Valenzuela Branch;
3. Casio G-Shock watch;
4. Necklace and earrings of Manaysay; and
5. P10,000.00 cash

to the damage and prejudice of said victims as owners thereof against their will.^[5]

Lara, Licayan, Mabansag and Delos Reyes had five other co-accused in said Informations, namely Alex Placio, Jojo Sajorgo, Allan Placio, Dodong Adolfo and Benjie Mabansag, all of whom remain at-large.

On November 15, 2005, Mabansag died while detained at the Marikina City Jail. The trial against Licayan, Lara and Delos Reyes proceeded. On February 17, 2009, the RTC of Marikina City rendered its Decision finding Licayan, Lara and Delos Reyes guilty of the crime of Kidnapping for Ransom under Article 267 of the Revised Penal Code. The dispositive portion of the Decision reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding accused RODERICK LICAYAN, ROBERTO LARA and ROGELIO 'NOEL' DELOS REYES in Criminal Case No. 98-2605-MK, GUILTY beyond reasonable doubt of the crime of KIDNAPPING FOR RANSOM as defined and penalized under Article 267 of the Revised Penal Code and hereby sentences them to *reclusion perpetua* and each of them is also ordered to pay the amount of P50,000.00 as moral damages to each of the complainants.

The period during which the herein accused were in detention during the pendency of this case shall be credited to them in full provided that they agree to abide by and comply with the rules of the City Jail of Marikina.

However, in Criminal Case No. 98-2606-MK of the crime of ROBBERY, for lack of sufficient evidence presented by the Prosecution to prove the guilt of the said accused beyond reasonable doubt, judgment is hereby rendered ACQUITTING them of the said offense charged in the Information.

These two (2) cases against the other accused, ALEX PLACIO @ "Tata Pandak," JOJO SAJORGO, ALLAN PLACIO, DODONG ADOLFO and BENJIE

MABANSAG who remain at-large up to the present are ordered archived and let an (sic) alias warrants of arrests be issued.^[6]

The RTC Decision was appealed to the Court of Appeals, which, on July 4, 2012, affirmed the conviction of Licayan, Lara and Delos Reyes *in toto*.^[7] Licayan, Lara and Delos Reyes filed a Notice of Appeal,^[8] thus allowing this Court another hard look into the events surrounding the captivity of Joseph Tomas Co and Linda Manaysay on August 10-11, 1998.

In this Court's February 17, 2004 Resolution granting accused appellants' Motion to Reopen the Case, we held that insofar as the accused Lara and Licayan are concerned, the evidence already taken shall stand, although additional evidence may be introduced to be taken and considered with the evidence already in record. This Court summarized said evidence in its August 15, 2001 Decision, thus:

Complainant Joseph Tomas Co owns a restaurant called Goodies Pares Mami House with branches in Valenzuela, Cubao, and Sampaloc. Co's regular routine was for him and the other complainant, Linda Manaysay, the restaurant's cashier and accounting officer, to make the rounds of the three branches for inspection and collection of left-over food and cash sales. The rounds would normally begin late in the evening and last until early in the morning of the next day.

The **prosecution evidence** shows that on August 9, 1998, complainants went to the Goodies Valenzuela branch where they stayed until midnight. From there, they proceeded to the Cubao branch where they stayed until about 12:45 a.m., August 10, 1998. Their last stop was at the Sampaloc branch which they visited at 1:30 a.m.

While Co was at the Sampaloc branch, supervising the loading of left-over food into the back of his Tamaraw FX, service vehicle, three men approached him from behind. When Co saw the men, he asked what they wanted. The men were armed with two caliber .45 pistols and a .38 revolver. None of the men wore any mask.

Co told the men that if they wanted money, they could get it from the store. The men refused to get money from the store. Without any warning, one of the men's guns went off. When Manaysay heard the shot, she came out and asked the men what they wanted. She told them that they could get money from the store, but they refused to do so. Instead, complainants were made to board the rear of the Tamaraw FX. Two of the men's companions were already seated in the front seat. The man in the driver's seat asked Co for the key to the vehicle. The three other men also boarded the vehicle with the complainants. **Co identified accused-appellant Roderick Licayan as one of his five abductors.**

Co said their hands were tied and their eyes taped, and that they were made to wear caps over their heads as the vehicle reached Quezon Avenue in Quezon City. After 45 minutes, Co said he felt the vehicle stop. The rear door was opened and he heard the voices of people approaching the vehicle.

Complainants were brought inside a room of a house made of light materials and which had no ceiling. They were made to sit on the floor. Then, they were transferred to another room where the covers of their eyes were removed and their feet were tied. **Manaysay testified that she saw accused-appellants in the house after the masking tape was removed from their eyes.** Co's wallet which contained P5,000.00 in cash and his watch and Manaysay's necklace and earrings were taken from them. **A person was left to guard them inside the room, whom both complainants identified as accused-appellant Roberto Lara.**

After about two hours, Manaysay told Co that she wanted to urinate. Hence, Co asked their guard if Manaysay could go outside to do it. The guard left and came back with a half-gallon container which he gave Manaysay to urinate in.

Co tried talking to the guard^[9] and pleaded with him to let them go. But the guard replied that he was just following orders. Co offered him some money which he had, but the guard did not accept the money and instead threw it away.

[On August 11, 1998, at around 4:30 p.m., Licayan^[10] who was guarding them at that time] fell asleep and Co and Manaysay somehow managed to escape without being noticed by the look-out outside their room. After running for several meters, complainants took refuge in a house. An old woman living in the house allowed them to use the telephone from which Co was able to call the Marikina Police Headquarters. The woman told them that they were in Kaolin St., Twinriver Subdivision, Parang, Marikina. Two police officers from the Marikina police arrived, followed by a police SWAT team. Complainants' case was later turned over to the Presidential Anti-Organized Crime Task Force (PAOCTF) for investigation.

On August 11, 1998, at around 6:30 p.m., members of the PAOCTF raided the safehouse at Daang Bakal, Parang, Marikina where Co and Manaysay had been held captive. A man seen running away was arrested by SPO3 Ismael Fajardo Jr. Upon being questioned, the man identified himself as accused-appellant Roberto Lara. SPO3 Fajardo identified accused-appellant Lara from photographs shown to him in court as the man he arrested. Lara pointed to accused-appellant Licayan as one of his companions and told the PAOCTF members that Lara was hiding in his (Lara's) uncle's house at the back of the San Mateo Rizal Municipal Hall. The PAOCTF members thereafter proceeded to the house and were able to arrest accused-appellant Licayan.

Lara and Licayan were thereafter brought to the PAOCTF headquarters in Camp Crame where they were identified by Co and Manaysay in a line-up consisting of Lara, Licayan, and eight PAOCTF members.

Benjamin Co, complainant Joseph Tomas Co's brother, testified that he was twice called in his office by unidentified persons who demanded P10 million for the release of complainants. The kidnappers were of course